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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA BARNETT,

Plaintiff,

No. CIV S-10-2216 KJM DAD PS

v.

DAMON JERRELL DUNN, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is proceeding pro se with the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(21).

On March 24, 2011, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days after service of the findings and recommendations. Plaintiff has filed timely objections to the findings and recommendations. No reply has been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the

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1 file, the court finds the order and findings and recommendations to be supported by the record  
2 and by proper analysis.<sup>1</sup>

3 On July 25, 2011, plaintiff filed a motion requesting that the undersigned recuse  
4 herself from this case. Having carefully considered this request in light of the applicable law, the  
5 undersigned declines to recuse. *See* 28 U.S.C. § 455.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's motion for recusal filed July 25, 2011 (ECF No. 39) is denied;
- 8 2. The findings and recommendations filed March 24, 2011 (ECF No. 34) are  
9 adopted in full;
- 10 3. Defendant USEAC's August 27, 2010 motion to dismiss (ECF No. 9) is  
11 granted;
- 12 4. Plaintiff's July 12, 2010 amended complaint (ECF No. 1, Attach.) is dismissed  
13 without leave to amend in this court;
- 14 5. Defendants Bowen and Brown's August 24, 2010 motion to dismiss (ECF No.  
15 3) is denied as moot;
- 16 6. Plaintiff's September 8, 2010 motion for a three-judge panel (ECF No. 11) is  
17 denied as moot;
- 18 7. This matter is remanded to the Sacramento County Superior Court; and
- 19 8. The Clerk of the Court is directed to close this case.

20 DATED: September 5, 2011.

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23 UNITED STATES DISTRICT JUDGE

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26 <sup>1</sup> The court notes that, while accurate, the discussion in the findings and  
recommendations on page 9, lines 1-16, is not essential to resolution of the motion to dismiss.