

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TERRYLYN MCCAIN,

Plaintiffs

No. CIV-S-11-1265-KJM-KJN-PS

v.

CALIFORNIA HIGHWAY PATROL,
et al.,

Defendants.

ORDER

On August 26, 2011, the magistrate judge filed findings and recommendations (ECF No. 52), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. On September 12, 2011, plaintiff filed objections to the proposed findings and recommendations (ECF No. 53), which the court has considered. On September 19, 2011, defendants Mike’s Towing Service, Inc. and Michael Olivarez filed a response to plaintiff’s objections (ECF No. 59), which the court also has considered.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the court has conducted a *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations filed August 26, 2011, are ADOPTED.

3 2. The motion to dismiss plaintiff's complaint filed by defendants Mike's Towing
4 Service, Inc. and Michael Olivarez (see ECF Nos. 7, 16) is granted in part and denied in part.

5 3. Plaintiff's claims for relief alleged against defendants Mike's Towing Service,
6 Inc. and Michael Olivarez are dismissed with prejudice to the extent that they are premised on
7 plaintiff's "right to travel."

8 4. The motion to dismiss filed by defendants Mike's Towing Service, Inc. and
9 Michael Olivarez is denied in all other respects.

10 DATED: December 9, 2011.

11 
12 _____
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26