

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  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRENCE LAMAR WILBURN,  
Plaintiff,  
v.  
GARREN BRATCHER, et al.,  
Defendants.

No. 2:15-cv-0699 TLN GGH

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On December 30, 2015, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 54.) Plaintiff filed objections to the findings and recommendations. (ECF No. 55.) Defendants County of Sacramento, Sacramento County Sheriff’s Department, Sheriff Scott Jones, Sacramento County District Attorney’s Office, Sacramento County Public Defender’s Office, Deputy District Attorney Laura West, Deputy Public Defender Teresa Huang, Deputy Public Defender Larry Yee, and Deputy Hester filed a reply. (ECF No. 56.) Defendants City of Sacramento, Chief Samuel D. Somers, Jr., Officer George Chargin, Officer Jose Yepes, Sergeant Sameer Sood, Detective Bobby Daniels, Officer Jeremy Ratcliffe, and Detective Kevin Patton also filed a reply. (ECF

1 No. 57.)

2 The Court has reviewed the file and finds the findings and recommendations to be  
3 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
4 ORDERED that:

5 1. The findings and recommendations filed December 30, 2015, are adopted in full;

6 2. Plaintiff's motion to remand (ECF No. 6) is DENIED;

7 3. Defendant Helena Gweon's Motion to Dismiss (ECF No. 20) is GRANTED without  
8 leave to amend;

9 4. Defendant Garren Bratcher's ("Bratcher") special anti-SLAPP Motion to Strike (ECF  
10 No. 15) is GRANTED with leave to amend as to Claims Four through Thirteen;

11 5. Claims One through Three are dismissed sua sponte as to Bratcher with leave to  
12 amend;

13 6. Defendants City of Sacramento, erroneously sued as Sacramento Police Department,  
14 Samuel D. Somers, Jr. ("Officer Somers, Jr."), George Chargin ("Officer Chargin"), erroneously  
15 sued as G. Chargin, Jose Yepes ("Officer Yepes"), erroneously sued as J. Yepes, Sameer Sood  
16 ("Officer Sood"), erroneously sued as S. Sood, Bobby Daniels ("Officer Daniels"), Jeremy  
17 Ratcliffe ("Officer Ratcliffe"), erroneously sued as J. Ratcliffe, and Kevin Patton's ("Officer  
18 Patton"), erroneously sued as K. Patton (collectively "the City Defendants") Motion to Dismiss  
19 (ECF No. 5) is GRANTED per the following:

20 i. Claims One through Twelve are dismissed with leave to amend as to Officer  
21 Somers, Jr., Officer Chargin, Officer Yepes, Office Sood, Officer Daniels, Officer Ratcliffe, and  
22 Officer Patton;

23 ii. Claims One through Eight are dismissed with leave to amend, and Claims Nine  
24 through Twelve without leave to amend, as to the City of Sacramento and the Sacramento Police  
25 Department; and

26 iii. Claim Thirteen is dismissed without leave to amend;

27 7. Defendants County of Sacramento, Sacramento County Sheriff's Department, Sheriff  
28 Scott Jones ("Sheriff Jones"), Sacramento County District Attorney, Sacramento County Public

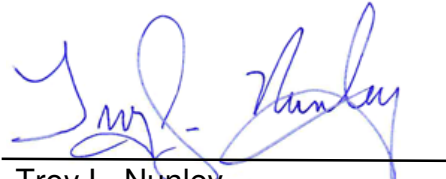
1 Defender's Office, Deputy District Attorney Laura West ("D.A. West"), Deputy Public Defender  
2 Teresa Huang ("P.D. Huang"), Deputy Public Defender Larry Yee ("P.D. Yee"), and Deputy  
3 Hester's (collectively "the County Defendants") Motion to Dismiss (ECF No. 10) is GRANTED  
4 per the following:

5 i. Claims One through Twelve are dismissed with leave to amend as to Sheriff  
6 Jones, D.A. West, P.D. Huang, P.D. Yee, and Deputy Hester;

7 ii. Claims One through Eight are dismissed with leave to amend, and Claim Nine  
8 through Twelve without leave to amend as to the County of Sacramento, Sacramento County  
9 District Attorney, Sacramento County Sheriff's Department, and Sacramento County Public  
10 Defender's Office, and

11 iii. Claim Thirteen is dismissed without leave to amend.

12  
13  
14 Dated: March 30, 2016

15  
16   
17 Troy L. Nunley  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28