



1 was randomly assigned to Chief Judge Roll. Plaintiff filed his objections to the R&R on  
2 October 19, 2009. On November 3, 2009, this case was reassigned to Chief Judge Roll  
3 pursuant to an election by a party to have the case heard by a district judge under Local Rule  
4 3.8(a).  
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6 **I. Defendants' Motion to Dismiss**

7 After an independent review of the record and a de novo review of the portions of the  
8 R&R to which Plaintiff has objected, the Magistrate Judge's R&R is adopted in whole.  
9 Pursuant to the Magistrate Judge's recommendation, Defendants' motion to dismiss is  
10 granted and Plaintiff's complaint is dismissed without prejudice. In filing an amended  
11 complaint that corrects the deficiencies in his original complaint, Plaintiff is instructed to  
12 heed the warnings given in the R&R with regard to articulating his claims in a short, concise,  
13 and understandable manner, avoiding inclusion of futile claims as identified in the R&R, and  
14 adhering to the pleading requirements set forth in the Federal Rules of Civil Procedure and  
15 the Local Rules. Plaintiff is also advised that he should carefully consider the propriety and  
16 necessity of any future filings given the current procedural posture of this case.  
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20 Accordingly,

21 **IT IS ORDERED** that the findings and recommendations made by the Magistrate  
22 Judge in her October 5, 2009 Report and Recommendation (Doc. #117) are **ADOPTED** in  
23 whole. Specifically,  
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25 (1) Defendants' Motion to Dismiss (Doc. #13) is **GRANTED** and Plaintiff's  
26 complaint is **DISMISSED WITHOUT PREJUDICE**.  
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28 (2) Plaintiff has until **April 21, 2010** to file an amended complaint that corrects the

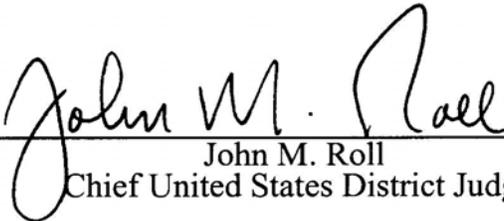
1 deficiencies in the original complaint as identified by the R&R and that complies with the  
2 Federal Rules of Civil Procedure and the Local Rules.

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4 (3) The Motions to Dismiss filed by Defendants Krasner and Glennie (Docs. #44 and  
5 45) are **DENIED** as moot.

6 (4) The Motion for a More Definite Statement (Doc. #38) filed by Defendants  
7 Southwest Gas and NPL Construction is **DENIED** as moot.

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9 **IT IS FURTHER ORDERED** that Plaintiff heed and comply with the  
10 recommendations and warnings contained in the R&R and adopted by this Court. Plaintiff  
11 is advised that failure to comply the this order could result in dismissal with prejudice and  
12 the imposition of sanctions and/or an award of attorney's fees to Defendants.

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14 DATED this 17<sup>th</sup> day of March, 2010.

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22 John M. Roll  
23 Chief United States District Judge  
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