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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

Plaintiff, v. CALIFORNIA DEPARTMENT OF CORRECTIONS et al.,

Case No. CV 13-01703-CAS (DFM)

Order Accepting Report and Recommendation of United States Magistrate Judge

Defendants.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Second Amended Complaint, the records on file, the Report and Recommendation of the assigned United States Magistrate Judge, and the Supplemental Report and Recommendation of the Magistrate Judge. Further, the Court has made a de <u>novo</u> determination of those portions of the reports to which objections are made.

IT IS HEREBY ORDERED that:

1. The Magistrate Judge's Report and Recommendation, as supplemented by the Supplemental Report and Recommendation, is approved and accepted.

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- 2. Defendant CDCR's motion to dismiss is granted and Plaintiff's state-law claims against Defendant CDCR for assault and battery are dismissed without leave to amend.
 - 3. Defendants' motion to dismiss is otherwise denied.
 - 4. Plaintiff's motion to file a supplemental complaint is denied.

Dated: January 6, 2015

Raristine a. Smyde_

CHRISTINA A. SNYDER United States District Judge