1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 LEE COOK, Case No. CV 13-2030 JLS (SS) 11 Plaintiff, ORDER ACCEPTING FINDINGS, 12 CONCLUSIONS, AND 13 v. 14 JOSEPH TORRES, et al., RECOMMENDATIONS OF UNITED Defendants. STATES MAGISTRATE JUDGE 15 16 636, the Court has Pursuant to 28 U.S.C. § reviewed 17 Plaintiff's Second Amended Complaint, Defendants' Motion 18 Dismiss, Plaintiff's Opposition, all the records and files 19 herein, and the Report and Recommendation of the United States 20 Magistrate Judge. The time for filing Objections has passed, and 21 no Objections have been received. Accordingly, the Court accepts 2.2 and adopts the Magistrate Judge's Report and Recommendation. 23 // 2.4 // 25 // 26 // 27 28

Consistent with the Report and Recommendation, IT IS ORDERED 1 2 that: 3 4 Defendants' Motion to Dismiss on the grounds that the (1)5 Second Amended Complaint fails to state a claim under 42 U.S.C. § 1983 and state tort law is GRANTED; 6 7 8 (2) Defendants' Motion to Dismiss the on grounds of 9 qualified immunity is DENIED without prejudice; 10 Defendants' Motion to Strike Plaintiff's requests for 11 (3) 12 punitive damages against Defendants in their official capacity is GRANTED; 13 14 15 (4)Defendants' Motion to Strike Plaintiff's requests for 16 punitive damages against Defendants in their individual 17 capacity is DENIED without prejudice; 18 19 (5) Plaintiff shall file а Third Amended Complaint 20 deficiencies identified correcting the in the 21 Magistrate Judge's Report and Recommendation within fourteen (14) days of the date of this Order if he 22 23 wishes to pursue this litigation. 24 // 25 // 26 // 27 //

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1	The Clerk of the Court shal	ll serve copies of this Order on
2	Plaintiff and counsel for Defenda	ints.
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4	IT IS SO ORDERED.	
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6	DATED: November 05, 2013	JOSEPHINE L. STATON
7		JOSEPHINE L. STATON
8		UNITED STATES DISTRICT JUDGE
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