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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

VADIM STANLEY MIESEGAES,  
Plaintiff,  
v.  
CLIFF ALLENBY, et al.,  
Defendants.

Case No. CV 15-01574 CJC (RAO)

ORDER ACCEPTING FINDINGS,  
CONCLUSIONS, AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed Plaintiff’s Fifth Amended Complaint (“5AC”), the Motion to Dismiss the 5AC filed by Defendants Black, Purcell, Brown, and Allenby (collectively, “Defendants”), the Amended Interim Report and Recommendation of the United States Magistrate Judge (“Amended Interim Report”), and all other records and files herein. The time for filing objections to the Amended Interim Report has passed, and no objections have been filed. The Court hereby accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

IT IS ORDERED that:

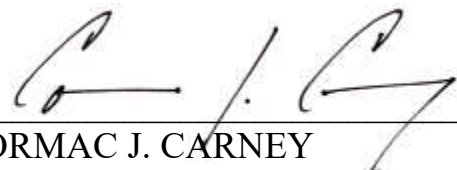
(1) Defendants’ Motion to Dismiss is GRANTED IN PART, and:

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- (a) Plaintiff's substantive due process claim against Defendants Black and Purcell based on the 2012 attacks is dismissed with prejudice and without leave to amend;
  - (b) Plaintiff's official capacity claims against Defendants Black and Purcell are dismissed with prejudice and without leave to amend;
  - (c) Plaintiff's equal protection claim against Defendant Brown is dismissed with prejudice and without leave to amend; and
  - (d) Plaintiff's substantive due process claim against Defendants Brown and Allenby is dismissed without prejudice and without leave to amend;
- (2) Defendants' Motion to Dismiss is DENIED IN PART as to the remaining claims;
  - (3) Defendants Black and Purcell shall file an Answer in their individual capacities to Plaintiff's substantive due process claim based on the 2011 attacks within 14 days of the date of this Order; and
  - (4) Defendant Allenby shall file an Answer in his official capacity to Plaintiff's equal protection claim within 14 days of the date of this Order.

DATED: July 24, 2019

  
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CORMAC J. CARNEY  
UNITED STATES DISTRICT JUDGE