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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH TOUSSAINT,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT  
OF CORRECTIONS AND  
REHABILITATION,  
Defendant.

) Case No. CV 15-3557-PA (SP)

) **ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge. Plaintiff has not filed any written Objections to the Report within the time permitted. The Court accepts the findings and recommendation of the Magistrate Judge.


IT IS THEREFORE ORDERED that defendant’s Motion to Dismiss (docket no. 18) is granted; plaintiff’s claims for injunctive and declaratory relief are dismissed with prejudice; and plaintiff’s claims for monetary relief are dismissed with leave to amend.

Within 30 days of the date of this Order, plaintiff may file a First Amended

1 Complaint to cure the deficiencies of his claims for monetary relief, as discussed in  
2 the Report and Recommendation. Plaintiff may not reassert his claims for injunctive  
3 and declaratory relief, as those have been dismissed with prejudice.

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DATED: September 13, 2016

  
HONORABLE PERCY ANDERSON  
UNITED STATES DISTRICT JUDGE