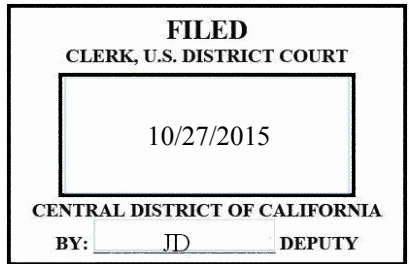


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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 EDMUND WILLIAM SIERRA,) Case No. CV 15-03691-MMM (KES)
 12 Plaintiff,)
 13 vs.) ORDER ACCEPTING FINDINGS,
 14 DEPT. of FAMILY and) CONCLUSIONS, AND
 15 CHILDREN SERVICES, et al.,) RECOMMENDATIONS OF UNITED
 16 Defendants.) STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all
 18 the records and files herein, along with the Report and Recommendation of the
 19 United States Magistrate Judge. Further, the Court has engaged in a de novo
 20 review of those portions of the Report and Recommendation to which objections
 21 have been made. The Court hereby approves and accepts the findings,
 22 conclusions, and recommendations of the United States Magistrate Judge.
 23

24 IT THEREFORE IS ORDERED that (1) Plaintiff's claims against
 25 Defendants Yap and Smeal are dismissed *without leave to amend* and with
 26 prejudice; and (2) The remainder of the Complaint is dismissed *with leave to*
 27
 28

1 *amend*, but only in the following limited manner:

2 (a) The First Amended Complaint shall not exceed 50 pages. Plaintiff shall
3 focus his allegations on facts (*e.g.*, who, what, where, when and how), clearly
4 identifying the wrongful acts/omissions allegedly committed by each named
5 Defendant. Plaintiff shall identify those Defendants with whom he personally
6 interacted and describe the interactions giving rise to his claims. Plaintiff shall
7 identify those Defendants with whom he never interacted, but whom he alleges
8 are nevertheless liable based on their actions undertaken in a supervisory or
9 policy-making role;
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12 (b) Exhibits attached to the First Amended Complaint shall be redacted to
13 protect sensitive information consistent with L.R. 5.2-1;
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15 (c) The First Amended Complaint shall not include claims based on
16 allegedly wrongful acts involving K.S.;
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18 (d) The First Amended Complaint shall not include claims based on
19 allegedly wrongful acts that occurred and were known to Plaintiff before March 12,
20 2013;
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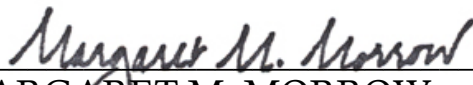
22 (e) Consistent with the Rooker-Feldman doctrine, the First Amended
23 Complaint shall not include claims based on allegations that any orders or
24 findings by the state juvenile court (such as the determination to declare K.S., C.S.
25 and E.S. dependents of the court) were erroneous and thus violated Plaintiff's
26 constitutional rights;
27
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1 (f) The First Amended Complaint shall not pray for punitive damages as
2 a remedy against the County or any County employees sued in their official
3 capacity; and
4

5 (g) Any allegation that Plaintiff suffered harm caused by a County policy,
6 custom, or practice shall describe the content of the challenged policy, custom, or
7 practice. Similarly, any allegation that Plaintiff suffered harm caused by a lack of
8 training shall describe what training was lacking.
9
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11 If Plaintiff wishes to pursue the above-noted claims, Plaintiff's First
12 Amended Complaint shall be due within thirty (30) days from the date of entry
13 of this.¹
14

15 DATED: October 26, 2015

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17 
18 MARGARET M. MORROW
19 UNITED STATES DISTRICT JUDGE
20

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22 ¹ If Plaintiff chooses to file a First Amended Complaint, it should bear
23 the docket number assigned in this case, be labeled "First Amended Complaint,"
24 and be complete in and of itself without reference to the original Complaint or any
25 other pleading or document. Plaintiff may serve the First Amended Complaint on
26 all Defendants who have appeared by serving their counsel of record. Should he
27 elect to pursue claims against Defendant Karolin Ferrier, Plaintiff will need to
28 serve the First Amended Complaint on Defendant Ferrier in a manner that
satisfies Federal Rule of Civil Procedure 4 and then file a proof of service
declaration.