

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL, POSTAGE PREPAID, TO (SEE BELOW) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE

TO: DATE: DEPUTY CLERK:
 Plaintiff 04/11/18 DV

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

JASON EDWIN DEVORE,
 Plaintiff,
 v.
 DAVID R. DOMINGUEZ,
 Defendant.

No. CV 15-6291-JAK (DFM)
 Order Accepting Report and Recommendation of United States Magistrate Judge

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the assigned United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made.

IT IS HEREBY ORDERED that:

1. The Magistrate Judge’s Report and Recommendation is approved and accepted.
2. Defendants’ motion to dismiss is granted.
3. Plaintiff’s claims against Defendants McDonnell and McDonald in their official capacity are dismissed without leave to amend.

1 4. Plaintiff's remaining claims are dismissed with leave to amend. If
2 Plaintiff wishes to pursue this action, he is ORDERED to file a Third
3 Amended Complaint within twenty-eight (28) days of the date of this Order
4 that is limited to his claims against Defendants in their individual capacity and
5 corrects the deficiencies identified in the Magistrate Judge's Report. A failure
6 timely to file a Third Amended Complaint, will result in the dismissal of the
7 action with prejudice.

8
9 Dated: April 10, 2018



10
11 JOHN A. KRONSTADT
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28