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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACYE BENARD WASHINGTON,
Plaintiff,
v.
J. GUERRA, et al.,
Defendant(s).

Case No. CV 15-6919-VAP (KK)

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

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, the relevant records on file, and the Report and Recommendation of the United States Magistrate Judge. No objections have been filed. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED Defendants' Motion to Dismiss is granted in part and denied in part as follows:

(1) Defendants' Motion to Dismiss Plaintiff's claims against Defendant Guerra for his use of pepper spray is DENIED;

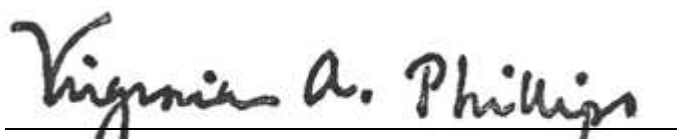
(2) Plaintiff's request for injunctive relief is STRICKEN without leave to amend;

(3) Defendants' Motion to Dismiss Plaintiff's claims against Defendants in their official capacity is GRANTED; and

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(4) Plaintiff's claims against Defendants in their official capacity are dismissed with prejudice and without leave to amend.

Dated: September 19, 2017


HONORABLE VIRGINIA A. PHILLIPS
Chief United States District Judge