

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOHRAB HAROONIAN,

Plaintiff,

v.

**COMMITTEE OF BAR EXAMINERS,
STATE BAR OF CALIFORNIA, and
John Does 1-10,**

Defendants.

) **No. LA CV 16-02995-VBF-SS**

) **ORDER**

) Adopting the Report & Recommendation;

) Dismissing the Action With Prejudice for
Failure to State a Claim on Which Relief
Can Be Granted;

) Directing Entry of Separate Judgment;

) **Terminating & Closing the Case (JS-6)**

This is a *pro se* non-prisoner civil-rights action pursuant to 42 U.S.C. section 1983. Pursuant to her authority under Fed. R. Civ. P. 72(b)(1), title 28 U.S.C. section 636(b)(1)(B), and C.D. Cal. Local Civil Rule 72-3.3, the United States Magistrate Judge issued a Report and Recommendation (“R&R”) on May 13, 2016. *See* Case Management / Electronic Case Filing System Document (“Doc”) Doc 6.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the complaint (Doc 1), the Magistrate Judge’s May 13, 2016 R&R (Doc 6), plaintiff Haroonian’s timely May 25, 2016 objections to the R&R (Doc 7), and the applicable law. “Federal Rule of Civil Procedure 72(b)(2) gave [defendants] a right to respond to the objections, but the time to do so has elapsed and [defendants have] filed neither a response nor a request for an extension of time. Accordingly, the Court proceeds to the merits without waiting further.” *Ruelas v. Muniz*,

No. SA CV 14-01761, 2016 WL 540769, *1 (C.D. Cal. Feb. 9, 2016) (Fairbank, J.).

“As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review of the portions of the R&R to which [plaintiff] has specifically objected and finds no defect of law, fact, or logic in the . . . R&R.” *Rael v. Foulk*, No. LA CV 14-02987 Doc. 47, 2015 WL 4111295, *1 (C.D. Cal. July 7, 2015) (Fairbank, J.), *COA denied*, No. LA CV 14-02987 Doc. 53, Appeal No. 15-56205 (9th Cir. Feb. 18, 2016). Accordingly, the Court will accept and implement the Magistrate Judge’s findings and recommendations.

ORDER

Plaintiff’s objections to the R&R are **OVERRULED**.

The May 13, 2016 Report and Recommendation is **ADOPTED**.

The complaint is **DISMISSED with prejudice**.

The defendants’ May 27, 2016 motion to dismiss the complaint [**Doc #11**] is **DENIED without prejudice as moot**.

“As required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document.” *Toy v. Soto*, 2015 WL 2168744, *1 (C.D. Cal. May 5, 2015) (citing *Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013)) (n.1 omitted), *appeal filed*, No. 15-55866 (9th Cir. June 5, 2015).¹

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Accord Buck v. American Quarter Horse Ass’n, 602 F. App’x 709, 710 n.1 (10th Cir. 2015) (“[W]e note that the district court did not prepare a separate document entering judgment in accordance with Fed. R. Civ. P. 58(a).”).

“To comply with Rule 58, an order must (1) be self-contained and separate from the opinion; (2) note the relief granted; and (3) omit or substantially omit the district court’s reasons for disposing of the claims.” *Elkins v. Foulkes*, 2014 WL 2615732, *14 n.4 (C.D. Cal. June 12, 2014) (quoting *Daley v. USAO*, 538 F. App’x 142, 143 (3d Cir. 2013) (per curiam) (citation omitted)).

“A combined document denominated an Order and Judgment, containing factual background, legal reasoning, as well as a judgment, generally will not satisfy the rule’s prescription.” *Fisher v. Ventura Cty. Sheriffs Narcotics Agency*, 2014 WL 2772705, *7 n.9 (C.D.

The Clerk of Court SHALL **TERMINATE** and close the case (JS-6).

DATED: Wednesday, July 6, 2016

A handwritten signature in cursive script that reads "Valerie Baker Fairbank". The signature is written in black ink and is positioned above a horizontal line.

Valerie Baker Fairbank
Senior United States District Judge