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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LUIS OSOLLO,)	NO. CV 16-3045-SJO (AS)
)	
Plaintiff,)	
)	
v.)	ORDER ACCEPTING FINDINGS,
)	
LINDA DARLING-HAMMOND, et. al.,)	CONCLUSIONS AND RECOMMENDATIONS OF
)	
Defendants.)	UNITED STATES MAGISTRATE JUDGE
_____)	

Pursuant to 28 U.S.C. section 636, the Court has reviewed the Complaint, all of the records herein, and the Report and Recommendation of United States Magistrate Judge. After having made a *de novo* determination of the portions of the Report and Recommendation to which objections were directed, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge in the Report and Recommendation.

1 Accordingly, the Court accepts the findings, conclusions and
2 recommendations of the Magistrate Judge.

3
4 **IT IS ORDERED** that:

5 (1) The Rule 41(b) Motion to Dismiss filed by Defendants McKenna,
6 Garcia, Zimmer, Ratliff, Vladovic, Berman, Avila, Barragan, Woods and
7 Torres (Dkt. No. 82) is DENIED without prejudice;

8 (2) The Motion to Dismiss filed by Defendants McKenna, Garcia,
9 Zimmer, Ratliff, Vladovic, Berman, Avila, Barragan and Woods (Dkt. No.
10 58) is GRANTED;

11 (3) Plaintiff's claims against Defendants McKenna, Garcia, Zimmer,
12 Ratliff, Vladovic, Woods, Barragan, Barela-Johnson, Sullivan, Butler,
13 Heckenberg-Garner, Sumpter, Webb, Carvajales, "Jerry," "Davis," "K.B.,"
14 "L.C.," Jane Doe No. 1, "A.I.," "M.M.," "N.G.," and Jane Doe No. 2,
15 Plaintiff's First and Fourth Claims, his state law claims, and his
16 official capacity claims against the CTC and COC members are DISMISSED
17 WITHOUT LEAVE TO AMEND; and

18 (4) Plaintiff's Second, Third and Fifth Claims ARE DISMISSED WITH
19 LEAVE TO AMEND.

20
21 If Plaintiff still wishes to pursue this action, he must file a
22 Third Amended Complaint that cures the pleading defects discussed in
23 the Report and Recommendation no later than thirty (30) days from the
24 date or this Order. Any Third Amended Complaint filed by Plaintiff
25 must be complete in itself without reference to any prior complaint or
26 any other document, and must not name any defendant that this Court has
27 dismissed without leave to amend, or add any new claims or new
28 defendants without obtaining prior leave of the Court.

1 Plaintiff may not serve, or cause to be served, any Third Amended
2 Complaint that is filed personally on any named defendant absent
3 further court order. Plaintiff may serve any Third Amended Complaint
4 on counsel for any represented defendants who have already appeared in
5 this matter.

6
7 Plaintiff is warned that failure to timely file a Third Amended
8 Complaint, or failure to correct the deficiencies described in the
9 Report and Recommendation will result in dismissal for failure to
10 prosecute and/or failure to comply with a court order.

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12 **IT IS FURTHER ORDERED** that the Clerk serve copies of this Order
13 and the Judgment herein on Plaintiff at his current address of record.

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16 DATED: January 20, 2017.

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S. JAMES OTERO
UNITED STATES DISTRICT JUDGE