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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JAMES E. KEENER,)	NO. CV 17-9182-GW (KS)
Plaintiff,)	
v.)	ORDER ACCEPTING INTERIM FINDINGS
)	AND RECOMMENDATIONS OF UNITED
RANCHO SIMI RECREATION AND)	STATES MAGISTRATE JUDGE
PARK DISTRICT, et al,)	
Defendants.)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint (the “Complaint”), all of the records herein, Defendants’ Motion to Dismiss the Complaint and the parties’ related briefing, and the July 23, 2018 Report and Recommendation of United States Magistrate Judge (“Report”). The time for filing Objections to the Report has passed, and no Objections have been filed with the Court. Having completed its review, the Court accepts the findings and recommendations set forth in the Report.


Accordingly, IT IS ORDERED that Plaintiff’s Request for Judicial Notice is DENIED and the Motion to Dismiss is GRANTED as follows. First, the following claims are DISMISSED with prejudice: Plaintiff’s First Cause of Action for excessive force as to all Defendants except for Richard Ackerman, as to whom the Motion to Dismiss is denied;

1 Plaintiff's Second and Seventh Cause of Action for False Imprisonment/False Arrest against
2 Defendants District, District Board, Ackerman, Kaminsky, Derosa and Peterson; and
3 Plaintiff's Third Cause of Action for First Amendment Retaliation as to Defendants District,
4 District Board, McCormick, and Peterson. Second, Plaintiff's *Monell* claims alleged in
5 paragraph 17 of the Complaint against Defendants District, District Board, Derosa, and
6 Peterson are DISMISSED without prejudice and with leave to amend.

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8 If Plaintiff wishes to proceed in this Court, he shall file, **no later than 30 days from**
9 **the date of this Order**, a Second Amended Complaint curing the defects with his *Monell*
10 claims against Defendants District, District Board, Derosa, and Peterson. In any Second
11 Amended Complaint, Plaintiff shall neither reassert claims that the Court dismissed with
12 prejudice nor include new defendants or new allegations that are not reasonably related to the
13 claims asserted in the Complaint. Additionally, any Second Amended Complaint shall be
14 complete in itself and shall bear both the designation "Second Amended Complaint" and the
15 case number assigned to this action. It shall not refer in any manner to Plaintiff's earlier
16 pleadings. **Plaintiff may not rely on conclusory allegations and formulaic recitations of**
17 **applicable law.**

18
19 Alternatively, if Plaintiff would like to pursue his claims in state court, Plaintiff may
20 file a signed document entitled "Notice of Voluntary Dismissal" in which he dismisses this
21 action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

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23 DATED: May 13, 2019

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26 _____
27 GEORGE H. WU
28 UNITED STATES DISTRICT JUDGE