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

RODERICK HIMES,

Plaintiff,

v.

J. GASTELO et al.,

Defendants.

Case No. 2:18-cv-00327-PSG (MAA)

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

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, Defendants' Motion to Dismiss the First Amended Complaint, the other records on file herein, the Report and Recommendation of United States Magistrate Judge, and Plaintiff's Objections to the Report and Recommendation of United States Magistrate Judge. After conducting a *de novo* review 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.

IT THEREFORE IS ORDERED that:


1. The Report and Recommendation of the Magistrate Judge is  
ACCEPTED and ADOPTED;
2. Defendants' Motion to Dismiss the First Amended Complaint is  
GRANTED IN PART and DENIED IN PART;

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3. The First Amended Complaint is DISMISSED WITHOUT LEAVE TO AMEND.

4. Judgment shall be ENTERED dismissing the entire action with prejudice.

DATED: 4/29/2020

  
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PHILIP S. GUTIERREZ  
UNITED STATES DISTRICT JUDGE