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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEONARD SHAWN ROBINSON,

Plaintiff,

v.

L. BUFFALOE, et al.,

Defendants.

Case No. 2:19-00824 JLS (ADS)

ORDER ACCEPTING UNITED STATES
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint (“FAC”) filed by Leonard Shawn Robinson (“Plaintiff”), (Dkt. No. 15), Defendants’ Motion to Dismiss the First Amended Complaint, (Dkt. No. 49), Plaintiff’s Objection to Defendants[’] Notice of Motion to Dismiss, (Dkt. No. 54), Defendants’ Reply in Support of Motion to Dismiss the First Amended Complaint, (Dkt. No. 57), the Report and Recommendation of United States Magistrate Judge dated August 3, 2021, (Dkt. No. 64), Plaintiff’s Objections to Report and Recommendation of U.S. Magistrate Judge (“Objections”), (Dkt. No. 67), as well as all related records. The Court has

1 engaged in a *de novo* review of those portions of the Report and Recommendation to
2 which objections were made. Plaintiff's Objections are overruled because they do not
3 contain any new legal arguments and largely recite the allegations contained in the FAC.
4 The Court agrees with the findings and recommendations of the Magistrate Judge and,
5 therefore, accepts the Report and Recommendation.

6 Accordingly, IT IS HEREBY ORDERED:

- 7 1. The Report and Recommendation, (Dkt. No. 64), is accepted as follows:
- 8 a. The Court denies Defendants' Motion to Dismiss the First Amendment
9 retaliation claim against Defendant Buffaloe;
- 10 b. The Court grants Defendants' Motion to Dismiss the remaining claims
11 against Defendant Buffaloe with leave to amend;
- 12 c. The Court grants Defendants' Motion to Dismiss the Fourteenth
13 Amendment procedural due process claim without leave to amend; and
- 14 d. The Court grants Defendants' Motion to Dismiss all other claims
15 against Defendants Crawford, Marsh, Guthrie, Vieyra, Briseno, Curry,
16 and Gastelo with leave to amend.
- 17 2. Plaintiff must file a second amended complaint, or a statement reflecting
18 his desire to proceed only on the First Amendment retaliation claim
19 against Defendant Buffaloe by no later than thirty (30) days after entry of
20 this order.

21 DATED: September 30, 2021

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23 _____
24 THE HONORABLE JOSEPHINE L. STATON
United States District Judge