

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 TONEY ALFONSO JOHNSON, }
12 Plaintiff, }
13 v. }
14 JACK FEIST, et al., }
15 Defendants. }
16

Case No. 2:19-cv-01285-ODW (JDE)
ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file,
18 including the operative Third Amended Complaint (Dkt. 45, "TAC") filed by
19 Plaintiff Toney Alfonso Johnson ("Plaintiff"), the Motion to Dismiss the TAC
20 (Dkt. 46, "Motion") filed by Defendants J. Clason and Jack Feist (collectively,
21 "Moving Defendants"), Plaintiff's Opposition to the Motion (Dkt. 48), Moving
22 Defendants' Reply in support of the Motion (Dkt. 51), and the Report and
23 Recommendation of the assigned United States Magistrate Judge (Dkt. 53).
24 No party has filed any timely written objections to the report. The Report and
25 Recommendation is therefore approved and accepted.

26 IT IS HEREBY ORDERED that:

- 27 1. The Motion (Dkt. 46) is GRANTED; the claims asserted in the
28 TAC against Defendants J. Clason and Jack Feist are dismissed

1 with prejudice, with final judgment to reflect such dismissal;

2 2. The TAC's purported Fourteenth Amendment claims are stricken
3 as having been filed in violation of the Court's prior Order (Dkt.

4 44);

5 3. Defendant Grieb is ordered to answer the only surviving claim in
6 TAC, a First Amendment retaliation claim against him in his
7 individual capacity only, within fourteen (14) days of the date of
8 this Order.

9 IT IS SO ORDERED.

10
11 Dated: October 16, 2020



14 OTIS D. WRIGHT, II
15 United States District Judge