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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY CONNERS,
Plaintiff,
v.
KATHY, et al.,
Defendants.

Case No. 2:19-cv-07147-JWH-SHK

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

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended
2 Complaint (“SAC”), Defendants’ Motion to Dismiss (“MTD”) the SAC,
3 Plaintiff’s Motion for Judgment on the Pleadings (“MJP”), the relevant records on
4 file, and the Report and Recommendation (“R&R”) of the United States
5 Magistrate Judge. The Court has engaged in a *de novo* review of those portions of
6 the R&R to which Plaintiff has objected. The Court accepts the findings and
7 recommendation of the Magistrate Judge.

8 To the extent that Plaintiff attempts to raise new claims and arguments in his
9 Objections to the Magistrate Judge’s Report and Recommendation, the Court
10 declines to exercise its discretion to address those new arguments formally. *See*
11 *United States v. Howell*, 231 F.3d 615, 631-22 (9th Cir. 2000) (district judge did not
12 abuse discretion in refusing to consider factual allegations not presented to the
13 magistrate judge); *see also Brown v. Roe*, 279 F.3d 742, 744–45 (9th Cir. 2002)
14 (stating that a district court has discretion, but is not required, to consider evidence
15 or claims presented for the first time in objections to a report and
16 recommendation). Nevertheless, the Court has considered each of Petitioner’s
17 proposed claims and arguments and concludes that they do not warrant further
18 analysis at this time.

19 It is therefore **ORDERED** as follows:

- 20 1. Defendants’ MTD claim one from the SAC is **GRANTED** and
21 Defendant Catherine Giron is **DISMISSED** from this action.
- 22 2. Defendants’ MTD claim two from the SAC is **DENIED**.
- 23 3. Defendants’ MTD based upon qualified immunity is **DENIED**.

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4. Plaintiff's MJP is **DENIED** without prejudice.
IT IS SO ORDERED.

Dated: January 18, 2023



HONORABLE JOHN W. HOLCOMB
United States District Judge