

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TRAJAN PAUL GREEN,	)	Case No. EDCV 15-02578-JGB (KES)
Plaintiff,	)	
vs.	)	ORDER ACCEPTING FINDINGS,
DEPUTY R. BOGGUST, et al.,	)	CONCLUSIONS, AND
Defendants.	)	RECOMMENDATIONS OF UNITED
	)	STATES MAGISTRATE JUDGE

---

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation were filed by Plaintiff. The Court has engaged in de novo review of those portions of the Report to which Plaintiff has objected. The Court hereby approves and accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT THEREFORE IS ORDERED that the following claims in the Second Amended Complaint be dismissed with prejudice:

1. All claims against Defendant Gause;
2. All claims against Defendant Coleman;
3. All claims against Defendant McMahan;
4. All Section 1981 claims against Defendant Boggust; and

1           5.     Section 1983 claims against Defendant Boggust based on alleged  
2 Fourteenth Amendment “due process” violations.

3           Upon entry of this Court’s Order, the following claims remain against  
4 Defendant Boggust:

5           1.     Section 1983 claims against Defendant Boggust based on alleged  
6 Eighth Amendment violations; and

7           2.     State law “assault and battery” tort claims.<sup>1</sup>

8  
9 DATED:   June 8, 2016

10  
11   
12 JESUS G. BERNAL  
13 UNITED STATES DISTRICT JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 \_\_\_\_\_  
27           <sup>1</sup>     An Order Directing Service of the Summons and Second Amended  
28 Complaint by the United States Marshal on Defendant Boggust will be issued  
separately after the instant Order has been entered.