1
2
3
4
5
6
7   UNITED STATES DISTRICT COURT

8   CENTRAL DISTRICT OF CALIFORNIA

9

10   AMERY GASPARD, et al.,   Case No. EDCV-16-02290-BRO (KES)

11   Plaintiffs,

12   v.   ORDER ACCEPTING FINDINGS AND

13   DEA TASK FORCE, et al.,   RECOMMENDATIONS OF UNITED

14   Defendants.   STATES MAGISTRATE JUDGE

15

16

17   Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the

18   records and files herein, along with the Report and Recommendation of the United

19   States Magistrate Judge. Objections to the Report and Recommendation were due

20   by April 13, 2017 and none were filed. The Court accepts the findings, conclusions,

21   and recommendations of the United States Magistrate Judge.

22   IT IS THEREFORE ORDERED that: (1) the civil rights claims against

23   Ernest Cartwright are dismissed with prejudice for failure to allege that Cartwright

24   acted under color of state or federal law; (2) the civil rights claims against Chuck

25   Rosenberg, Acting Administrator of the Drug Enforcement Administration, are

26   dismissed with prejudice for failure to allege his personal involvement in the

27   incidents at issue; (3) the Americans with Disabilities Act ("ADA") claim against

28

Rosenberg is dismissed with prejudice because the cited provision of the ADA does not apply to the federal government; and (4) the ADA claim against the City of San Bernardino is dismissed without prejudice to Plaintiffs pursuing that claim in Case No. CV-15-01802-BRO-KES, which is currently stayed due to bankruptcy proceedings by the City.

This action will proceed on the following claims pled in Plaintiff's First Amended Complaint: (1) the civil rights claims against the individually named law enforcement officers, and (2) the ADA claim against the County of San Bernardino based on Plaintiff's treatment while incarcerated. (Dkt. 25.)

DATED: May 2, 2017

_____
BEVERLY REID O'CONNELL
UNITED STATES DISTRICT JUDGE

Presented By:

_____
KAREN E. SCOTT
UNITED STATES MAGISTRATE JUDGE

2