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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JAMES PLAS SAMS,  
Plaintiff,  
v.  
COUNTY OF RIVERSIDE, et al.,  
Defendants.

Case No. EDCV 17-1848 SVW (SS)  
**ORDER ACCEPTING FINDINGS,  
CONCLUSIONS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Third Amended Complaint ("TAC") in the above-captioned matter, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing Objections to the Report and Recommendation has passed and no Objections have been received. Accordingly, the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT IS ORDERED THAT:

1. Plaintiff's federal civil rights claims in Claims I-II and VII-VIII are DISMISSED WITH PREJUDICE.

1           2.     Plaintiff's federal civil rights claims in Claims IV-VI  
2 are DISMISSED WITHOUT PREJUDICE but without leave to amend.


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4           3.     Plaintiff's state law claims ("SLC") in SLC 1-2 and 5-10  
5 are DISMISSED WITHOUT PREJUDICE but without leave to amend.

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7           4.     This action shall proceed only on federal Claim III for  
8 excessive force; SLC 3 under the Bane Act, Cal. Civ. Code § 52.1,  
9 for excessive force; and SLC 4 for negligent use of excessive force  
10 against Deputies Avila, Recksiek, Lycopulous and Melendez in their  
11 individual capacities, and municipal Defendants County of  
12 Riverside, the Riverside County Sheriff's Department, and the City  
13 of Jurupa Valley.

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15           5.     The Magistrate Judge shall direct the United States  
16 Marshal to serve the Third Amended Complaint, as amended by the  
17 striking of claims and Defendants in this Order, on the  
18 aforementioned individual and municipal Defendants.

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20           The Clerk shall serve copies of this Order by United States  
21 mail on Plaintiff at his address of record.

22  
23 DATED: July 10, 2019

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26 STEPHEN V. WILSON  
27 UNITED STATES DISTRICT JUDGE  
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