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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PETER GARCIA,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 5:20-cv-02564-FLA (MAAx)

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

Pursuant to 28 U.S.C. § 636, the court has reviewed the Second Amended Complaint, the other records on file herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing objections has expired and no objections have been made. The court accepts the findings and recommendations of the Magistrate Judge.


IT THEREFORE IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge is ACCEPTED;
2. Plaintiff's Second Amended Complaint is DISMISSED WITH PREJUDICE and WITHOUT LEAVE TO AMEND with respect to:
  - a. Defendants Jeffrey Macomber, Kenneth J. Pogue, Anthony Carter, Steven Escobar, P. Birdsong, and Chelsea Armenta;

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- b. Fourteenth Amendment equal protection claim against Defendants Macomber, Pogue, Carter, Escobar, Birdsong, and Armenta;
  - c. First Amendment right to petition claim; and
  - d. First Amendment retaliation claim.
3. Plaintiff's Second Amended Complaint will PROCEED solely with respect to the following claims against Defendants Bonadle, Nuñez, Frias, Vance, Montgomery, Strippling, Messerli, Wilson, Rossolio, Sanders, Wright, Landry, Allen, Kuntz, and Doe Defendants 1–9:
- a. Fourth Amendment search and seizure claim;
  - b. Fourteenth Amendment equal protection claim;
  - c. California Civil Code § 52.1, Tom Bane Civil Rights Act; and
  - d. California Civil Code § 51.7, Ralph Civil Rights Act.

DATED: October 19, 2021

  
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FERNANDO L. AENLLE-ROCHA  
United States District Judge