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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEWART MANAGO,
Plaintiff,
v.
CITY OF BARSTOW, et al.,
Defendants.

Case No. 5:21-cv-2032-MCS-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF U.S.
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. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made (Dkt. 24). The Court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that:

- (1) the FAC (Dkt 20) is dismissed in its entirety;
- (2) the following § 1983 claims are dismissed with prejudice:
 - (a) the excessive force claims based on the extraction incident against all Defendants;

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- (b) the denial of medical care claims against all Defendants;
- (c) the supervisory liability claims based on the extraction incident against Defendants Cahow, Lansdown, and Faylor;
- (3) the following § 1983 claims are dismissed without prejudice but without leave to amend in this action:
 - (a) the excessive force claims based on the food port incident against Defendants Cahow and Schirmbeck;
 - (b) failure to protect/supervisory liability claims based on the food port incident against Defendants Cahow, Lansdown, and Faylor;
 - (c) the concealment or spoliation of evidence claims against Defendants Faylor, Ramirez, Jewsbury, and Vanderkallen;
 - (d) the denial of access to the courts claims against all Defendants; and
 - (e) the retaliation claims against all Defendants.

DATED: September 14, 2022



Mark C. Scarsi
Mark C. Scarsi
United States Magistrate Judge