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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA SOUTHERN DIVISION

LEONARD J. PORTO, III,) Case No. SACV 12-00501-DOC (MLG)
Plaintiff,) ORDER ACCEPTING AND ADOPTING
v.) FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
CITY OF LAGUNA BEACH, et al.,))
Defendants.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the complaint, the motion to dismiss, and all of the records and files herein and has conducted a de novo review of that portion of the Report and Recommendation of the United States Magistrate Judge to which objections were filed. The Court accepts and adopts the findings and recommendations in the Report and Recommendation.

IT IS ORDERED:

- 1. All claims against the Laguna Beach Police Department and the City Council of Laguna Beach are **DISMISSED** with prejudice.
- 2. The claims against all defendants arising from the alleged violation of the settlement agreement in *Sipprelle v. City of Laguna Beach*, Case No. SACV 08-1447-CJC, are **DISMISSED** with prejudice.
- 3. All remaining claims are dismissed without prejudice and with leave to amend.

4. Plaintiff shall have 14 days from the date of this order in which to file a first amended complaint. The first amended complaint may not include the Defendants nor the claims dismissed with prejudice. Failure to timely file a first amended complaint will result in dismissal of this action with prejudice.

United States District Judge

Dated: September 4, 2012