

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENIS K. ROTROFF,	CASE NO. 1:06-cv-1419-LJO DLB-PC
Plaintiff,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATIONS, AND GRANTING IN
JIM ROBINSON, et al.,	PART AND DISREGARDING IN PART
Defendants.	DEFENDANTS' MOTION FOR SUMMARY
	ADJUDICATION
	(Doc. 44)

Plaintiff Denis K. Rotroff, a civil detainee proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On June 4, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. The parties have not filed timely objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The [Findings and Recommendations](#), filed June 4, 2009, is adopted in full;
2. Defendants' motion for summary adjudication, filed September 15, 2008, is

1 GRANTED IN PART and DISREGARDED IN PART as follows:

- 2 a. Defendants’ motion to dismiss Plaintiff’s claims concerning the imminent
- 3 confiscation of his second personal laptop computer for lack of subject matter
- 4 jurisdiction, on both ripeness and lack-of-standing grounds, is GRANTED;
- 5 b. Defendants’ motion to dismiss Plaintiff’s claim for damages as barred under
- 6 the Eleventh Amendment of the United States Constitution is
- 7 DISREGARDED;
- 8 c. Defendants’ motion to dismiss for Plaintiff’s failure to state a claim under
- 9 section 1983 or to support a demand for injunctive relief is DISREGARDED;
- 10 and
- 11 d. This action shall proceed to trial only on Plaintiff’s Fourteenth Amendment
- 12 Due Process claims concerning the confiscation of Plaintiff’s first computer
- 13 and confiscation of Plaintiff’s software purchases.

14 IT IS SO ORDERED.

15 **Dated: July 21, 2009**

15 /s/ Lawrence J. O’Neill
16 UNITED STATES DISTRICT JUDGE