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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

HAROLD WALKER,

Plaintiff,

v.

FRESNO POLICE DEPARTMENT, et al.,

Defendants.

CASE NO. 1:09-cv-01667-OWW-SKO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
DEFENDANTS' MOTION TO
DISMISS BE GRANTED IN PART,
DENIED IN PART**

Docket Nos. 24, 37, 38

On August 23, 2010, the Magistrate Judge issued [Findings and Recommendations](#) that Defendants' Motion to Dismiss be GRANTED IN PART and DENIED IN PART. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within twenty (20) days after service of the order. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendations are supported by the record and proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations issued August 23, 2010, are ADOPTED IN FULL;
2. Defendants' Motion to Strike Plaintiff's April 28, 2010, and May 27, 2010, pleadings is GRANTED;
3. Defendants' Motion to Dismiss Plaintiff's Claim for Warrantless Entry in Violation of the Fourth Amendment is DENIED;
4. Defendants' Motion to Dismiss Plaintiff's Claim for Unlawful Arrest in Violation of the Fourth Amendment is DENIED;
5. Defendants' Motion to Dismiss Plaintiff's Claim for Preparing False Police Reports is GRANTED; and
6. Defendants' Motion to Dismiss Defendant Robles from the action is GRANTED.

IT IS SO ORDERED.

Dated: September 29, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE