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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DARRELL ARCHER, et al.,	)	Case No.: 1:12-cv-00261 LJO JLT
	)	
Plaintiffs,	)	ORDER ADOPTING IN FULL THE
v.	)	FINDINGS AND RECOMMENDATIONS
	)	DISMISSING CERTAIN CLAIMS AND
	)	DEFENDANTS
	)	
CITY OF TAFT, et al.,	)	(Doc. 7)
	)	
Defendants.	)	
_____	)	

Darrell Archer and Keitha Darquea (“Plaintiffs”) initiated this action by filing a complaint on February 23, 2012. (Doc. 1). The Court screened Plaintiffs’ Complaint, and dismissed it with leave to amend. (Doc. 3). Pursuant to the Court’s order, Plaintiffs filed their First Amended Complaint on May 15, 2012. (Doc. 4). The Court screened the amended pleading, and instructed Plaintiffs to file a second amended complaint, or notify the Court of their willingness to proceed only on claims found to be cognizable. (Doc. 5). On August 17, 2012, Plaintiffs filed a notice of their intention to proceed only on cognizable claims. (Doc. 6).

Accordingly, on August 22, 2012, the Magistrate Judge recommended the action proceed against defendants Jill Gipson, J.E. Burck Construction, and Joseph Burke, and that the remaining defendants be dismissed. (Doc. 7). The Magistrate Judge determined Plaintiffs’ causes of action against the remaining defendants either lacked factual support or failed as a matter of law. Id. at 15.

1           Although Plaintiffs were granted fourteen days from August 22, 2012, or until September  
2 5, 2012, to file objections to the Magistrate Judge’s Findings and Recommendations, they did not  
3 do so. Notably, Plaintiffs were advised that failure to file objections within the specified time  
4 may waive the right to appeal the Court’s order. (Doc. 7 at 16) (citing Martinez v. Ylst, 951 F.2d  
5 1153 (9th Cir. 1991)).

6           In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley  
7 United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a *de novo*  
8 review of the case. Although granted fourteen days to file objections, Plaintiffs failed to do so.  
9 Having carefully reviewed the entire file, the Court finds that the Magistrate Judge’s findings and  
10 recommendation are supported by the record and by proper analysis.

11           Accordingly, **IT IS HEREBY ORDERED:**

- 12           1.       The Findings and Recommendations filed August 22, 2012 are **ADOPTED IN**  
13                   **FULL;**
- 14           2.       Defendants City of Taft, David Noerr, Randy Miller, Craig Noble, Paul Linder,  
15                   Cliff Thompson, Bob Gorson, Craig Jones, Orchel Krier, Ron Waldrop, David  
16                   Prentice, and Louise Hudgens are **DISMISSED;**
- 17           3.       Plaintiffs’ claim for a violation of the Racketeer Influenced and Corrupt  
18                   Organizations Act is **DISMISSED;**
- 19           4.       Plaintiffs’ claims for a violation of oath of office are **DISMISSED;**
- 20           5.       Plaintiffs’ claims for a failure to perform a mandatory duty under Cal. Gov’t Code  
21                   § 815.6 are **DISMISSED;**
- 22           6.       Plaintiffs’ claim for conversion under California law is **DISMISSED;**
- 23           7.       Plaintiffs’ claim for a violation of California Civil Rights laws arising under Cal.  
24                   Civ. Code. §52.1 is **DISMISSED;** and

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- 8. The action SHALL proceed on the following claims:
  - a. Violation of the Fourth Amendment by defendants Jill Gipson, Joseph Burke, and J.E. Burke Construction Inc.; and
  - b. Violation of the Fourteenth Amendment by defendants Jill Gipson, Joseph Burke, and J.E. Burke Construction Inc.

IT IS SO ORDERED.

**Dated:** September 11, 2012

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE