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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLES HANNA,  
Plaintiff,  
v.  
MARIPOSA COUNTY SHERIFF DEPT.  
et al.,  
Defendants.

Case No. 1:12-cv-00501-AWI-SAB  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF Nos. 85, 92, 105, 110, 111, 112, 113, 115)

Plaintiff Richard Charles Hanna is appearing pro se and in forma pauperis in this civil rights action pursuant to 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 302.

On June 5 2014, the Magistrate Judge filed a Findings and Recommendations recommending granting in part Defendants’ motion to dismiss on the grounds of res judicata 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. On July 2, 2014, Plaintiff filed an Objection. On July 3, 2014, Defendants filed a response to Plaintiff’s objection.

Plaintiff’s objections are not persuasive. In the main, Plaintiff’s objections are a reiteration of his attempts to set aside the judgment in related case 1:12cv1885 AWI SAB. However, the issue of whether the judgment should be set aside has been decided, and the judgment in 1:12cv1885 AWI SAB will not be set aside. Plaintiff presented evidence at a hearing and objected to the Magistrate Judge’s findings and recommendation. The Court considered the findings and recommendation, the evidence, and Plaintiff’s objections and it ruled against Plaintiff. The Court will not entertain further motions or argument on the topic.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 de novo review of this case. Having carefully reviewed the entire file, the Court finds the  
3 Findings and Recommendations to be supported by the record and by proper analysis.  
4

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed June 5, 2014, is ADOPTED IN FULL;
- 7 2. The Motion to Dismiss filed December 31, 2013 is GRANTED IN PART and  
8 DENIED IN PART as follows:
  - 9 a. Defendants' motion to dismiss on the basis of res judicata is GRANTED as to  
10 Defendant Mariposa County Sheriff Department, and DENIED as to Defendants  
11 Boehm, Rumfelt, Rameriz, and King;
  - 12 b. Defendants' motion to dismiss for improper service on the individual Defendants  
13 is GRANTED, and the United States Marshal shall be ordered to re-serve the  
14 summons and complaint;
  - 15 c. Defendants' motion to dismiss the punitive damages claim against Defendant  
16 Mariposa County Sheriff Department is GRANTED;
  - 17 d. Defendants' motion to dismiss on all other grounds is DENIED; and
- 18 3. This action is referred back to the magistrate judge to initiate service of process on  
19 Defendants Boehm, Rumfelt, Rameriz, and King.  
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21 IT IS SO ORDERED.

22 Dated: July 18, 2014

  
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SENIOR DISTRICT JUDGE