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

ESTATE OF STEPHEN E. CRAWLEY, et al.,

Plaintiffs,

v.

KINGS COUNTY, et al.,

Defendants.

Case No. 1:13-cv-02042-LJO-SAB

**ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND PARTIALLY GRANTING DEFENDANTS' MOTION TO DISMISS**

ECF NO. 18, 27

On April 3, 2014, Defendants filed a motion to dismiss. (ECF No. 18.) On May 23, 2014, the magistrate judge assigned to this action issued a Findings and Recommendations recommending that Defendants' motion to dismiss be partially granted. (ECF No. 27.)

The Findings and Recommendations contained notice that any objections were to be filed within fourteen (14) days. To date, no party has filed 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 that the Findings and Recommendations are supported by the record and by proper analysis.

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1 Accordingly, it is HEREBY ORDERED that:

2 1. The May 23, 2014 Findings and Recommendations are ADOPTED IN FULL;

3 2. Defendants' motions to dismiss is PARTIALLY GRANTED;

4 a. Plaintiffs' claims brought on behalf of the Estate of Stephen Crawley are  
5 DISMISSED with leave to amend;

6 b. Plaintiffs' battery claim against Defendant McRae is DISMISSED;

7 c. Plaintiffs' claims against Defendant Robinson are DISMISSED;

8 d. Plaintiffs' official capacity claims against Defendants McRae and  
9 Barsteceanu are DISMISSED; and

10 e. Defendants' motion to dismiss is DENIED in all other respects

11 IT IS SO ORDERED.

12 Dated: June 19, 2014

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