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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA**

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ADRIANA DOMINGUEZ, as guardian ad  
litem for J.S.,

) Case No.: 1:14-cv-419-LJO-JLT

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Plaintiff,

) ORDER ADOPTING IN FULL THE FINDINGS  
) AND RECOMMENDATIONS GRANTING IN  
) PART DEFENDANTS' MOTIONS TO DISMISS

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v.

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COUNTY OF KERN, et al.,

) (Docs. 11, 12, 24)

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Defendants.

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Defendants moved to dismiss ten of Plaintiff's eleven causes of action. Docs. 11, 12. On June 9, 2014, the Magistrate Judge issued Findings and Recommendations ("F&Rs") that none of Plaintiff's ten contested causes of action stated a claim for relief. (Doc. 34.) The Magistrate Judge recommended Defendants' motions to dismiss be granted with leave to amend and that Defendants' motions to dismiss Plaintiff's complaint in its entirety on other grounds be denied. *See* Doc. 24 at 14-15. The Magistrate Judge also recommended that Defendants' motion to dismiss Plaintiff's prayer for compensation for her own pain and suffering be granted with leave to amend. *Id.* at 14.

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The parties were granted fourteen days from the date of service, or until June 23, 2014, to file objections to the F&Rs. Doc. 24 at 15. In addition, Plaintiff was "advised that failure to file objections within the specified time may waive the right to appeal the District Court's order." *Id.* (citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991)). However, no objections were filed. In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United School Dist.*, 708 F.2d 452, 454

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1 (9th Cir. 1983), this Court has conducted a de novo review of the case. Having carefully reviewed the  
2 entire file, the Court finds that the F&Rs are supported by the record and by proper analysis. Therefore,  
3 the F&Rs are **ADOPTED IN FULL**.

4 Accordingly, Defendants' motions to dismiss are **GRANTED IN PART** and **DENIED IN**  
5 **PART** as follows:

- 6 1. The motions to dismiss Plaintiff's prayer for pain and suffering as to the decedent are  
7 **DENIED**;
- 8 2. The motions to dismiss Plaintiff's prayer for compensation for her own pain and suffering  
9 are **GRANTED WITHOUT LEAVE TO AMEND**;
- 10 3. The motions to dismiss the complaint for lack of standing are **DENIED**;
- 11 4. The motions to dismiss the complaint for lack of capacity are **DENIED as MOOT**;
- 12 5. In all other respects, the motions to dismiss are **GRANTED** with leave to amend.

13 **SO ORDERED**

14 **Dated: June 26, 2014**

15 /s/ Lawrence J. O'Neill  
16 **United States District Judge**