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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	JAMES LEOS,	Case No. 1:14-cv-02029-LJO-JLT (PC)	
10	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS ON PLAINTIFF'S	
11	V.	MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES	
12	RASEY, et al.,	(Docs. 51, 52, 62)	
13	Defendants.	TWENTY-ONE DAY DEADLINE	
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15	Plaintiff, James Leos, is a state prisoner proceeding <i>pro se</i> and i <i>n forma pauperis</i> in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States		
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17	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
18	On March 2, 2017, the Magistrate Judge issued Findings and Recommendations (F&R) on		
19 20	Plaintiff's motion to strike Defendants' affirmative defenses, which recommended to grant		
20	Plaintiff's motion and strike Defendants' sixth affirmative defense with leave to amend and to		
21	deny Plaintiff's motion as to Defendants' first, second, third, and fourth affirmative defenses.		
22 22	(Doc. 62.) This was served on the parties that same day and contained notice that any objections		
23 24	to it were to be filed within fourteen days. (Id.) Plaintiff requested and was granted an extension		
24 25	of time to file objections, with which he complied. (Docs. 64, 65, 67.)		
23 26	In his objections, Plaintiff repeats statements of law with legal citations from the F&R,		
20 27	(compare Doc. 67, p. 2 with Doc. 62, p. 2), and then, as asserted in his motion, argues that		
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1	Defendants' affirmative defenses one through four lack factual basis. <sup>1</sup>	
2	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a	
3	de novo review of this case. Having carefully reviewed the entire file, the Court finds the	
4	Findings and Recommendations to be supported by the record and by proper analysis.	
5	Accordingly, IT IS HEREBY ORDERED that:	
6	1. The Findings and Recommendations, filed March 2, 2017 (Doc. 62), is adopted in	
7	full;	
8	2. Plaintiff's motion to strike is GRANTED as to Defendants' Sixth Affirmative	
9	Defense, which is STRICKEN with leave to amend and is DENIED as to	
10	Defendants' First, Second, Third, and Fourth Affirmative Defenses;	
11	3. If Defendants desire to amend their Sixth Affirmative Defense, they SHALL do so	
12	within twenty-one (21) days of the date of service of this order; and	
13	4. This case is referred back to the Magistrate Judge for further proceedings.	
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15	IT IS SO ORDERED.	
16	Dated: March 27, 2017 /s/ Lawrence J. O'Neill	
17	UNITED STATES CHIEF DISTRICT JUDGE	
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27	<sup>1</sup> Plaintiff correctly notes that Defendants' First Amended Answer contained only six affirmative defenses, not two period in the E%P. This two graphical error is of no consequence to the substantius analysis in the E%P.	
20	twelve as noted in the F&R. This typographical error is of no consequence to the substantive analysis in the F&R. $2$	