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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE GALICIA,
Plaintiff,

v.

T. MARSH et al.,
Defendants.

No. 1:16-cv-00011-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS MARSH AND
WEATHERFORD’S MOTION TO DISMISS,
DISMISSING DUE PROCESS CLAIMS
AGAINST DEFENDANTS MARSH AND
WEATHERFORD, WITHOUT PREJUDICE,
AND DENYING PLAINTIFF’S MOTION
FOR LEAVE TO AMEND AS MOOT

(Doc. Nos. 28, 31, 32, 59)

Plaintiff Jose Galicia 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 May 8, 2017, the assigned magistrate judge filed findings and recommendations recommending that motions to dismiss brought on behalf of defendants Marsh and Weatherford (Doc. Nos. 28, 31) be granted, and the claims against them be dismissed, without prejudice. (Doc. No. 59.) The findings and recommendations further recommended that plaintiff’s motion for leave to amend his complaint (Doc. No. 32) be denied. (*Id.*) The findings and

1 recommendations were served on the parties and contained notice that objections were to be filed
2 within thirty days. (*Id.*) The time to file objections has passed, and no objections to the pending
3 findings and recommendations have been filed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
6 and recommendations to be supported by the record and by proper analysis.

7 Accordingly,

- 8 1. The May 8, 2017 findings and recommendations (Doc. No. 59) are adopted in full;
- 9 2. Defendant Marsh's motion to dismiss (Doc. No. 28) is granted;
- 10 3. Defendant Weatherford's motion to dismiss (Doc. No. 31) is granted;
- 11 4. The due process claims against defendants Marsh and Weatherford are dismissed,
12 without prejudice; and
- 13 5. Plaintiff's motion for leave to amend his complaint (Doc. No. 43) is denied as having
14 been rendered moot by this order.

15 IT IS SO ORDERED.

16 Dated: August 16, 2017

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19 UNITED STATES DISTRICT JUDGE
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