



1 therefore Plaintiff's state law claim of negligence could not proceed. (Doc. 12, at 7.) Inasmuch as  
2 Plaintiff has now properly pled compliance with the California Government Claims Act, Plaintiff has  
3 stated a cognizable state law claim of negligence against Defendant Sherman, and this action may  
4 therefore proceed on such claim.

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

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations, filed on January 4, 2017, are adopted in full as  
10 modified herein;

11 2. This action shall proceed on Plaintiff's ADA and negligence claims against Defendant  
12 Sherman only;

13 3. All other claims and Defendants are dismissed from the action for failure to state a  
14 cognizable claim; and

15 4. The matter is referred back to the assigned magistrate judge for initiation of service of  
16 process.

17  
18 IT IS SO ORDERED.

19 Dated: April 11, 2017

  
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20 SENIOR DISTRICT JUDGE