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

E.C., a minor, by and through his Guardian Ad Litem, Whitney Castaneda, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> UNITED STATES OF AMERICA, <p style="text-align: center;">Defendant.</p>	Case No. 1:17-cv-00209-LJO-SAB  ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING WITHOUT PREJUDICE PLAINTIFF'S PETITION FOR MINOR'S COMPROMISE  (ECF Nos. 9, 12, 13, 14)
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Plaintiff E.C., by and through his guardian ad litem, filed this action in the California Superior Court, County of Tulare alleging a negligence claim against Patricia Olise and the Tulare Community Health Clinic. (ECF No. 1 at 5-9.) On February 13, 2017, the United States of America removed this action to the Eastern District of California and filed a notice of substitution in place of the defendants in this action. (ECF No. 1.) On February 15, 2017, an order was filed requiring Plaintiff to file a petition for appointment of a guardian ad litem within ten days. (ECF No. 4.) On February 5, 2017, the United States filed a motion to dismiss the complaint which was referred to the undersigned. (ECF Nos. 5, 6, 7.) On February 23, 2017, the parties filed a stipulation to dismiss this action for lack of jurisdiction. (ECF No. 6.) On February 24, 2019, an order issued directing the Clerk of the Court to close this matter pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. (ECF No. 8.)

1 On January 24, 2019, Plaintiff filed a motion for approval of a minor's compromise.  
2 (ECF No. 9.) The matter was referred to a United States magistrate judge pursuant to 28  
3 U.S.C. § 636(b)(1)(B) and Local Rule 302.

4 On February 27, 2019, the magistrate judge filed findings and recommendations  
5 ("F&Rs"). The F&Rs recommended that the petition for minor's compromise be denied without  
6 prejudice for lack of jurisdiction. The F&Rs were served on the parties and contained notice that  
7 any objections to the F&Rs were to be filed within fourteen (14) days from the date of service.  
8 The period for filing objections has passed and no objections have been filed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
10 de novo review of this case. Having carefully reviewed the entire file, the court finds the F&Rs  
11 to be supported by the record and by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The F&Rs, filed February 27, 2019, is ADOPTED IN FULL; and
- 14 2. The petition for approval of minor's compromise is DENIED without prejudice.

15 IT IS SO ORDERED.

16 Dated: March 14, 2019

17 /s/ Lawrence J. O'Neill  
18 UNITED STATES CHIEF DISTRICT JUDGE