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

CORY JOE PEARSON, ) Case No.: 1:18-cv-0372 - LJO - JLT  
 )  
Plaintiffs, ) ORDER ADOPTING IN FULL THE FINDINGS  
 ) AND RECOMMENDATIONS DISMISSING  
v. ) CERTAIN CLAIMS AND DEFENDANTS  
 )  
BAKERSFIELD POLICE DEPARTMENT, ) (Doc. 13)  
et al., )  
 )  
Defendants. )  
 )

On August 2, 2018, the assigned magistrate judge determined Plaintiff alleged facts sufficient to support his claims against Officers Thomas, Arvizu, Montgomery, and the “Doe” officers. However, the magistrate judge concluded Plaintiff failed to allege cognizable claims against other officers, the City of Bakersfield, or the Bakersfield Police Department in the Third Amended Complaint. Therefore, the magistrate judge recommended the claims against the other officers, the City, and the police department be dismissed without leave to amend. (Doc. 13)

Plaintiff was given fourteen days to file any objections to the recommendation that the claims and defendants be dismissed. (Doc. 13 at 10) 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.* at 4, citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991); *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014)). To date, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United*

1 School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case.  
2 Having carefully reviewed the file, the Court finds the Findings and Recommendations are supported  
3 by the record and proper analysis.

4 Accordingly, **IT IS HEREBY ORDERED:**

- 5 1. The Findings and Recommendations dated August 2, 2018 (Doc. 13) are **ADOPTED**  
6 **IN FULL;**
- 7 2. Plaintiff's claim under Section 1983 against the City of Bakersfield; the Bakersfield  
8 Police Department; Officers Martinez, Juarez, Duenas, Allred, and Gregory are  
9 **DISMISSED** without leave to amend;
- 10 3. Bakersfield police officers Martinez, Juarez, Duenas, Allred, and Gregory are  
11 **DISMISSED** as defendants in the action;
- 12 4. The City of Bakersfield and the Bakersfield Police Department are **DISMISSED** as  
13 defendants in this action; and
- 14 5. The action **SHALL** proceed only on Plaintiff's claim for excessive force against  
15 Officers Thomas, Arvizu, Montgomery, and the "Doe" officers.

16 IT IS SO ORDERED.

17 Dated: August 23, 2018

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