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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORI JOHNSON, et al.,  
Plaintiffs,  
v.  
CITY OF ATWATER, et al.,  
Defendants.

No. 1:19-cv-00237-DAD-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, GRANTING  
DEFENDANTS' MOTION TO DISMISS,  
AND GRANTING PLAINTIFFS' MOTION  
TO AMEND

(Doc. Nos. 4, 13, 14, 21)

This matter is before the court on a motion to dismiss filed by defendants City of Atwater, Samuel Joseph, and Ken Lee (Doc. No. 4), and a motion to amend filed by plaintiffs Lori Johnson and Richard Johnson (Doc. No. 14). On May 13, 2019, the undersigned referred both motions to the assigned magistrate judge for preparation of findings and recommendations. (Doc. No. 16.)

On June 14, 2019, the assigned magistrate judge issued findings and recommendations, recommending that both motions be granted. (Doc. No. 21.) The findings and recommendations were served on the parties and contained notice that any objections were to be filed within fourteen (14) days from the date of service. To date, neither party has filed objections to the findings and recommendations, and the time in which to do so has now passed.

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

4 Accordingly,

- 5 1. The findings and recommendations issued on June 14, 2019 (Doc. No. 21) are  
6 adopted in full;
- 7 2. Defendants' motion to dismiss plaintiffs' complaint (Doc. No. 4) is granted;
- 8 3. Plaintiffs' motion for leave to file an amended complaint (Doc. No. 14) is granted;
- 9 4. Plaintiffs' first amended complaint, filed May 9, 2019 (Doc. No. 13), is stricken  
10 and will be disregarded;
- 11 5. Plaintiffs are directed to file a first amended complaint addressing the deficiencies  
12 identified in the findings and recommendations within **ten (10) days** of the date of  
13 entry of this order; and
- 14 6. If plaintiffs fail to file an amended complaint in compliance with this order, this  
15 action will be dismissed for failure to prosecute and failure to obey a court order.

16 IT IS SO ORDERED.

17 Dated: September 4, 2019

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20 UNITED STATES DISTRICT JUDGE