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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.B.,

 Plaintiff,

 v.

COUNTY OF KERN, et al.,

 Defendants.

No.: 1:20-cv-1337-NONE-JLT

ORDER ADOPTING IN FULL THE FINDINGS
AND RECOMMENDATIONS AND DISMISSING
THE ACTION WITHOUT PREJUDICE

(Doc. Nos. 11, 22.)

Plaintiff A.B. asserts that her rights arising under federal and state law were violated by Kern County Deputy Sherriff Michael Clark and the County of Kern. She contends she suffered gender violence and sexual battery in violation of California law, as well as several civil rights violations. (*See generally* Doc. No. 13.) Plaintiff seeks relief from California’s government tort claim presentation requirement pursuant to an exemption procedure set forth in California Government Code § 946.6 (“§ 946.6”). (Doc. No. 11.) The assigned magistrate judge issued findings and recommendations concluding that the district court lacks jurisdiction to grant the relief requested under § 946.6, because that authority is reserved to the California Superior Courts. (*See* Doc. No. 22 at 5-8.) Therefore, the magistrate judge recommended that plaintiff’s motion be denied for lack of jurisdiction. (Doc. No. 22.)

The parties were given fourteen days to file any objections to the recommendations that the action be dismissed. (Doc. No. 22 at 8.) In addition, the parties were “advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order.” (*Id.*

1 (citing *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991); *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th
2 Cir. 2014)).) To date, no objections have been filed by any party.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United*
4 *School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this court conducted a de novo review of the case.
5 Having carefully reviewed the file, the court finds the findings and recommendations are supported by
6 the record and proper analysis.

7 Accordingly, IT IS HEREBY ORDERED:

- 8 1. The findings and recommendations dated November 9, 2020 (Doc. No. 22) are
9 ADOPTED IN FULL; and
- 10 2. Plaintiff's motion for relief from the Government Tort Claim Presentation Requirement
11 (Doc. 11) is DENIED for lack of jurisdiction.

12 IT IS SO ORDERED.

13
14 Dated: December 12, 2020



UNITED STATES DISTRICT JUDGE