

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL PALOMARES, by and through his
Guardian Ad Litem VIOLETA NEGRETE
GARCIA,

 Plaintiff,

 v.

CITY OF ARVIN, et al..

 Defendants.

Case No. 1:21-cv-01745-JLT-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATION AND APPROVING
PLAINTIFF’S PETITION FOR COMPROMISE OF
INCOMPETENT PERSON’S CLAIMS

(Doc. 49)

Pending before the Court is Plaintiff’s second petition for approval of an incompetent person’s claims by Manuel Palomares (“Palomares”) by and through his niece and guardian ad litem, Violeta Negrete Garcia. (Doc. 47).¹

The assigned Magistrate Judge issued findings and recommendations to approve Plaintiff’s proposed settlement of Palomares’ damage claims pursuant to Fed. R. Civ. P. 17 and Local Rule 202. (Doc. 49). The Court served the findings and recommendations and gave the parties 14 days to file objections thereto. (*Id.* at 6). As of the date of this order, more than 14 days have passed, and no objections have been filed. The findings and recommendations advised the parties that “failure to file

¹ This matter was referred to the assigned Magistrate Judge (*see* Doc. 8 pp. 1-2) pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 objections within the specified time may result in the waiver of rights on appeal.” (*Id.*) (citing
2 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)).

3 According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case.
4 Having carefully reviewed the entire file, the Court concludes that the findings and recommendations
5 are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

6 1. The findings and recommendations issued on December 4, 2023 (Doc. 49), are ADOPTED
7 in FULL;

8 2. The motion for approval of incompetent person’s compromise filed on October 13, 2023,
9 (Doc. 47), is GRANTED; and

10 3. The parties are ordered to file a stipulation for dismissal of the action with prejudice, and
11 lodge a separate order, no later than 30 days after the issuance of this order.

12
13 IT IS SO ORDERED.

14 Dated: **December 21, 2023**


UNITED STATES DISTRICT JUDGE