1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 HUSSEIN ALI, No. 1:22-cv-01125-ADA-EPG 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING 13 **DEFENDANT'S MOTION TO DISMISS** v. WITH LEAVE TO AMEND 14 AMERICAN AIRLINES GROUP, INC., (ECF Nos. 8, 17) 15 Defendant. 16 17 Plaintiff Hussein Ali (Plaintiff) proceeds pro se in this lawsuit alleging Federal civil rights 18 and state law violations against Defendant American Airlines Group, Inc. (Defendant). (ECF No. 19 1.) On September 20, 2022, the Defendant filed a motion to dismiss this matter for failure to state 20 a claim. (ECF No. 8.) On October 17, 2022, the Plaintiff filed objections to the motion to 21 dismiss and on October 28, 2022, the Defendant file its reply. (ECF Nos. 12, 13.) The motion to 22 dismiss was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (ECF No. 14.) 23 24 On February 10, 2023, the assigned Magistrate Judge issued findings and recommendations recommending that Defendant's motion to dismiss be granted to the extent that 25 26 it seeks dismissal of Plaintiff's claims but be denied to the extent that it seeks dismissal with 27 prejudice. (ECF No. 17 at 12.) The findings and recommendations contained a notice that any

objections were due within twenty-one (21) days from the date of service. (Id.) The deadline to

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1 file objections has passed and no objections have been filed by either party. 2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 3 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the 4 Court finds the findings and recommendations to be supported by the record and proper analysis. 5 Accordingly, IT IS ORDERED that: 6 1. The findings and recommendations issued on February 10, 2023, (ECF No. 17), 7 are ADOPTED in full; 2. Defendant's motion to dismiss, (ECF No. 8), is GRANTED to the extent that it 8 9 seeks dismissal of Plaintiff's claims but is DENIED to the extent that it seeks 10 dismissal with prejudice; 11 3. Plaintiff's complaint is DISMISSED with leave to amend; and 12 4. Plaintiff is directed to file an amended complaint within thirty (30) days after the 13 entry of this order. Plaintiff's failure to timely do so may result in the dismissal of 14 this case. 15 16 IT IS SO ORDERED. 17 18 Dated: April 4, 2023 19 20 21 22 23 24 25 26 27

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