

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANNE SABETTA, et al.

Plaintiffs,

CIV. S-08-2181 JAM KJN PS

v.

THE NATIONAL RAILROAD  
PASSENGER CORP., dba AMTRAK,  
et al.,

ORDER

Defendants.

\_\_\_\_\_/

On April 22, 2010, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. On May 11, 2010, an extension of time was granted to June 10, 2010 in which to file objections. Plaintiff Karl Wichelman has filed objections.<sup>1</sup>

////

\_\_\_\_\_  
<sup>1</sup> Plaintiff Karl Wichelman filed a notice of disappointment in the magistrate judge's ruling denying counsel which this court construes as an objection to the findings and recommendations. (Dkt. No. 18.)

1 Mail addressed to plaintiff Bridgette Walker was returned to the court.<sup>2</sup>

2 The court presumes that any findings of fact are correct. See Orand v. United States, 602  
3 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.  
4 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Plaintiff  
5 Wichelman's expression of disappointment in the court's denial of his request for counsel is  
6 factually and legally unsupported and the court finds no grounds for overturning the findings and  
7 recommendations of the magistrate judge on this point.<sup>3</sup>

8 The court has reviewed the applicable legal standards and, good cause appearing,  
9 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

10 Accordingly, IT IS ORDERED that:

11 1. The Proposed Findings and Recommendations filed April 22, 2010, are ADOPTED;

12 2. Plaintiffs' claims for relief under 18 U.S.C. §§ 245(b) and 245(e) are dismissed with  
13 prejudice; and

14 3. Plaintiffs Wichelman and Walker are dismissed from this action with prejudice.<sup>4</sup>

15 DATED: June 28, 2010

16  
17 /s/ John A. Mendez  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21

---

22 <sup>2</sup> Pursuant to Local Rule 183, pro se plaintiffs must keep the court apprised of their  
23 current address.

24 <sup>3</sup> Plaintiff Wichelman states that the denial of his request for counsel was with prejudice.  
25 However, the findings and recommendations in this action do not state that the request for  
26 counsel was denied with prejudice. (Dkt. No. 14 at 6-7.)

<sup>4</sup> The findings and recommendations erroneously referred to Wichelman and Walker as  
defendants rather than plaintiffs on page eight of that ruling.