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

JOSE DEJESUS RODRIGUEZ,

Plaintiff,

No. CIV S-08-2440 FCD EFB PS

vs.

THE WORKERS' COMPENSATION
APPEALS BOARD OF THE STATE
OF CALIFORNIA, STOCKTON
BRANCH,

Defendants.

ORDER

On November 25, 2008, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiff filed objections on December 1, 2008, and they were considered by the undersigned.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v.

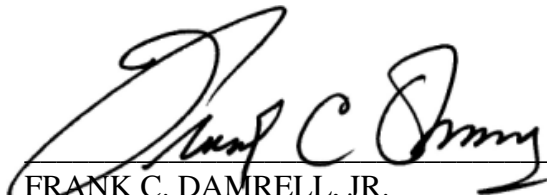
1 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
2 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
3 1983).

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

6 Accordingly, IT IS ORDERED that:

- 7 1. The proposed Findings and Recommendations filed November 25, 2008, are
8 ADOPTED;
- 9 2. Plaintiff's complaint is dismissed without leave to amend; and,
- 10 3. The Clerk is directed to close the case.

11 DATED: January 23, 2009.

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14 FRANK C. DAMRELL, JR.
15 UNITED STATES DISTRICT JUDGE
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