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

KATHLYN A. RHODES,

No. 2:09-cv-00489-MCE-KJN PS

Plaintiff,

vs.

ORDER

PLACER COUNTY, et al.,

Defendants.

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On March 31, 2011, the magistrate judge filed findings and recommendations (ECF No. 122) 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. No objections were filed.

Accordingly, the court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

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

1 Accordingly, IT IS ORDERED that:

2 1. The Proposed Findings and Recommendations (ECF No. 122) filed March 31, 2011,
3 are ADOPTED;

4 2. The motion to dismiss the claim for violation of 42 U.S.C. § 1983 is GRANTED as to
5 moving defendants the County of Sacramento (the “County”) and Dorian Kittrell (“Kittrell”)
6 (collectively, the “moving defendants”), and that the claim is DISMISSED with prejudice as
7 against them;

8 3. The motion to dismiss the claim for violation of 42 U.S.C. § 1981 is GRANTED, and
9 that the claim is DISMISSED with prejudice as against the moving defendants;

10 4. The motion to dismiss the claims for violations of 42 U.S.C. §§ 1985-86 are
11 GRANTED, and that the claims are DISMISSED with prejudice as against the moving
12 defendants;

13 5. The motion to dismiss the claim for violations of 18 U.S.C. § 245 is GRANTED, and
14 that the claim is DISMISSED with prejudice as against the moving defendants; and

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1 6. The motion to dismiss plaintiff's state law claims are GRANTED, and that plaintiff's
2 state law claims are DISMISSED with prejudice as against the moving defendants. Specifically,
3 these state law claims are:

- 4 a. The second claim for relief under California statutes;
- 5 b. The third claim for trespass;
- 6 c. The sixth claim for medical battery;
- 7 d. The seventh claim for intentional infliction of emotional distress;
- 8 e. The ninth claim for false imprisonment;
- 9 f. The eleventh claim for conversion;
- 10 g. The twelfth claim for medical malpractice; and
- 11 h. The thirteenth claim for negligence per se.

12 Dated: May 3, 2011

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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