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

10 BRENT ALLEN WINTERS, et al.,

11 Plaintiff,

No. CIV-S-09-0522-JAM-KJN-PS

12 vs.

13 DELORES JORDAN, et al.,

ORDER

14 Defendants.
15 _____/

16 On July 20, 2010, the magistrate judge filed findings and recommendations herein which
17 were served on the parties and which contained notice that any objections to the findings and
18 recommendations were to be filed within fourteen days. (Dkt. No. 143.) On August 11, 2010,
19 plaintiffs' filed untimely objections to the magistrate judge's findings and recommendations
20 (Dkt. No. 155) and, on August 16, 2010, defendant Judy Ford filed a response to plaintiffs'
21 objections (Dkt. No. 163). Despite the untimely nature of plaintiffs' objections, the undersigned
22 has considered those objections out of an abundance of caution.

23 This court reviews de novo those portions of the proposed findings of fact to which
24 objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore
25 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As
26 to any portion of the proposed findings of fact to which no objection has been made, the court

1 assumes its correctness and decides the motions on the applicable law. See Orand v. United
2 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
3 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
4 1983).

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

7 Accordingly, IT IS ORDERED that:

- 8 1. The Proposed Findings and Recommendations filed July 20, 2010 (Dkt. No. 143), are
9 ADOPTED; and
10 2. All claims alleged against defendant Judy Ford are dismissed with prejudice.

11 DATED: September 13, 2010

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13 /s/ John A. Mendez
14 UNITED STATES DISTRICT JUDGE
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