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

BRENT ALLEN WINTERS, et al.,

Plaintiff,

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

vs.

DELORES JORDAN, et al.,

Defendants.

ORDER

On March 10, 2011 , the magistrate judge filed findings and recommendations (Dkt. No. 267) 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. Objections have been filed. (Dkt. No. 274.)

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.

Accordingly, IT IS ORDERED that:

- 1. The Proposed Findings and Recommendations filed March 10, 2011, are ADOPTED;

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2. Defendant Dewey Harpainter's motion to dismiss the Third Amended Complaint (Dkt. No. 131), is granted in part and denied in part; and

3. All of plaintiffs' claims alleged against defendant Dewey Harpainter, except the claim of trespass on land asserted by plaintiffs Cacey and Jennifer Winters, are dismissed with prejudice.

DATED: May 9, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE