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

BRINT ALLEN WINTERS, et al.,

Plaintiffs,

No. CIV-S-09cv0522-JAM-KJN-PS

v.

DELORES JORDAN, et al.,

Defendants.

ORDER

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On November 10, 2011, the magistrate judge filed findings and recommendations (Dkt. No. 306) 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 November 30, 2011, plaintiffs filed untimely objections to the proposed findings and recommendations (Dkt. No. 308), which have nevertheless been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an 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); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). 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. United States, 602 F.2d 207, 208 (9th

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

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

5 Accordingly, IT IS ORDERED that:

6 1. The Proposed Findings and Recommendations filed November 10, 2011, are  
7 ADOPTED;

8 2. The County Defendants’ motion to dismiss (Dkt. No. 116)—as it relates to defendants  
9 Keith Royal, Richard Kimball, Guy Selleck, Joe McCormack, Zsa Zsa Wied, Robert Bringolf,  
10 Dominic La Fountain, Theresa Kingsbury, Jeff Martin, Daniel Saunders, Nathan Hutson, Jesse  
11 King, Micah Arbaugh, Chris Sharp, Matt Steen, Elaine LaCroix, Alicia Milhous, Clifford  
12 Newell, Charles O’Rourke, Jason Jones, and Susan McGuire—is granted in part and denied in  
13 part as follows:

14 a. Plaintiffs’ thirteenth, fourteenth, fifteenth, eighteenth, thirty-first, and  
15 thirty-sixth claims for relief are dismissed with prejudice in their entirety.

16 b. Plaintiffs’ fourth claim for relief is dismissed with prejudice only to the  
17 extent that it alleges a “Bivens claim” against the County Defendants, but proceeds insofar as it  
18 alleges a claim pursuant to 42 U.S.C. § 1983.

19 c. Plaintiffs’ fifth, ninth, tenth, and eleventh claims for relief are dismissed  
20 with prejudice, except as described in more detail in the magistrate judge’s findings and  
21 recommendations.

22 d. The County Defendants’ motion to dismiss is denied in all other respects.

23 3. The County Defendants’ motion for a more definite statement is denied.

24 DATED: February 10, 2012

25 /s/ John A. Mendez  
26 UNITED STATES DISTRICT JUDGE