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

BRENT WINTERS, et al.,

Plaintiffs,

No. CIV S-09-0522 JAM EFB PS

vs.

DELORES JORDAN, et al.,

Defendants.

ORDER

_____/

On August 24, 2009, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiffs filed objections on September 9, 2009, 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. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

1 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
2 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 Further, in light of the August 24, 2009 order dismissing plaintiffs' Second
6 Amended Complaint, plaintiff's September 9, 2009 motion for default judgment on their Second
7 Amended Complaint, Dckt. No. 57, plaintiff's September 15, 2009 motion to amend that motion
8 for default judgment, Dckt. No. 60, and plaintiff's September 18, 2009 motion for default
9 judgment on their Second Amended Complaint, Dckt. No. 64, are denied as moot.

10 Accordingly, IT IS ORDERED that:

11 1. The proposed Findings and Recommendations filed August 24, 2009, are
12 ADOPTED;

13 2. Plaintiffs' motion to stay this action, Dckt. No. 17, is denied; and

14 3. Plaintiffs' motions for default judgment on their Second Amended Complaint,
15 and related motion to amend, Dckt. Nos. 57, 60, and 64, are denied.

16 DATED: October 16, 2009.

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18 /s/ John A. Mendez
19 UNITED STATES DISTRICT JUDGE
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