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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LONNIE G. SCHMIDT, et al.,
Plaintiffs,
v.
UNITED STATES OF AMERICA,
Defendant.

No. 2:09-cv-0660 LKK GGH PS

ORDER

On October 2, 2013, 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 fourteen days. Objections were filed on October 21, 2013,¹ a reply was filed on October 29, 2013, and they were considered by the district judge.

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 Although the objections were not timely filed, they have been considered.

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 October 2, 2013 Findings and Recommendations in
5 full. Accordingly, IT IS ORDERED that:


6 1. Defendant's motion for summary judgment, filed April 25, 2013, (ECF No. 97), is
7 granted;

8 2. Plaintiffs' counter-motion for summary judgment, filed June 6, 2013, (ECF No. 109),
9 is denied; and

10 3. Judgment is entered for defendant.

11 DATED: February 10, 2014.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT