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

LONNIE G. SCHMIDT, et al.,

Plaintiff,

CIV-S-09-660 LKK GGH PS

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER

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On May 27, 2010, 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. Plaintiffs filed objections on June 14, 2010, defendants filed a reply to plaintiffs' objections on June 29, 2010, 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 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 Findings and Recommendations in full. Accordingly,
5 IT IS ORDERED that:

6 1. The Findings and Recommendations filed May 27, 2010, are ADOPTED;

7 2. The motions to dismiss filed by the United States and defendants Ashton,
8 Amador, Fonda, Ely and Norris on October 29, 2009 (dkt #'s 24, 26) are granted in part and
9 denied in part;

10 3. Deceased defendant Judge Buchmeyer is dismissed;

11 4. Defendants Ely, Fonda and Norton are dismissed for lack of personal
12 jurisdiction;

13 5. The United States is dismissed from every Count except for Count I;

14 6. Bivens claims against defendants Amador and Ashton, with the exception of
15 Jordyn Manzer's claim, are dismissed on the basis of the statute of limitations;

16 7. All of Jordyn Manzer's claims, improperly brought on his behalf when he was
17 a minor, are dismissed with leave for him to file an amended complaint within 30 days either
18 through counsel or personally pro se.

19 DATED: July 28, 2010.

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22 LAWRENCE K. KARLTON
23 SENIOR JUDGE
24 UNITED STATES DISTRICT COURT
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