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

RHONDA WHITEROCK FRED,

Plaintiff,

CIV. NO. S-10-0845 JAM GGH PS

vs.

WASHOE TRIBE OF NEVADA &
CALIFORNIA,

Defendants.

ORDER

_____ /

Plaintiff is proceeding pro se in this action, which was referred to the undersigned pursuant to Local Rule 302(c)(21).

On June 9, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 9, 2011, are adopted in full;
2. Defendant's motion to dismiss (Doc. 14) is denied on the grounds of lack of subject matter jurisdiction and exhaustion of tribal remedies, but is granted with leave to amend for failure to state a claim. Any ruling on sovereign immunity is deferred.
3. Plaintiff's complaint is dismissed, but plaintiff may file an amended complaint within 28 days. Failure to file an amended complaint will result in this action being dismissed.

DATED: August 12, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE