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

DANIEL THOMAS HARVEY,

Plaintiff,

No. CIV S-10-1653 KJM EFB PS

vs.

CITY OF SOUTH LAKE TAHOE;
EL DORADO COUNTY; ANDREW
EISSINGER; CHARLES DUKE,

Defendants.

ORDER

On August 9, 2011, the magistrate judge filed findings and recommendations, 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. Plaintiff filed objections on August 22, 2011.

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 file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.¹

¹ The court notes the case referenced in footnote 4 of the findings and recommendations, *People v. Buza*, 197 Cal. App. 4th 1424 (2011), was amended following issuance of the recommendations, without changing the result for which the case was cited. A request for review

1 Accordingly, IT IS ORDERED that:

2 1. The Findings and Recommendations filed August 9, 2011, are ADOPTED.

3 2. Defendant El Dorado County's motion to dismiss, ECF No. 16, is granted as

4 follows:

5 a. Claims purportedly against El Dorado Superior Court, as discussed
6 in the findings and recommendations, are dismissed without leave to amend; and

7 b. All other claims against defendant El Dorado County are dismissed
8 with leave to amend as discussed in the findings and recommendations.


9 3. The City defendants' motion to dismiss, ECF No. 17, is granted as follows:

10 a. Claims for violation of California Penal Code sections 182, 484,
11 and 849(b)(1) and 18 U.S.C. § 1503 are dismissed without leave to amend; and

12 b. All other claims against the City defendants are dismissed with
13 leave to amend as discussed in the findings and recommendations.

14 4. Plaintiff is granted thirty days from the date of this order to file a second
15 amended complaint.

16 DATED: September 26, 2011.

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19 UNITED STATES DISTRICT JUDGE
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_____ of the decision was filed on September 7, 2011.