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

SCOTT HOLLAND,

No. CIV S-10-2110-GEB-CMK

Plaintiff,

vs.

ORDER

TD AMERITRADE, INC.,

Defendant.

_____ /

Plaintiff, who is proceeding pro se, brings this civil action. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On January 10, 2011, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), 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.

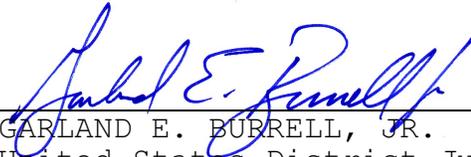
In addition to his response to the Magistrate Judge’s findings and recommendations, plaintiff also filed a belated request for a continuation of the hearing on the motion to dismiss (Doc. 39). This formal request was not received by the court until well after

1 the hearing had been held. As such, this motion is moot.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed January 4, 2011, are adopted in
4 full;
- 5 2. Defendant's motion to dismiss (Doc. 14) is granted;
- 6 3. Plaintiff is granted limited leave to file an amended complaint in order to
7 cure the pleading defects in his fraud and CLRA claims only;
- 8 4. Plaintiff shall file an amended complaint within 30 days of the date of this
9 order; and
- 10 5. Plaintiff's motion to continue the hearing on the motion to dismiss (Doc.
11 39) is denied as moot.

12 Dated: January 31, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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