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

EVELYN DAVIDSON,

Plaintiff,

CIV-S-10-2502 FCD GGH PS

vs.

CARL E. KORMAN, et al.,

Defendants.

ORDER

_____/

The findings and recommendations issued December 30, 2010, and vacated on January 27, 2011, were reinstated on March 30, 2011. The objections and reply filed January 5 and 18, 2011, were considered resubmitted as of March 30, 2011, 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 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.

1 1983).

2 The court has reviewed the applicable legal standards and, good cause appearing,
3 concludes that it is appropriate to adopt the Findings and Recommendations in full.

4 Accordingly, IT IS ORDERED that:

5 1. The Findings and Recommendations re-filed March 30, 2011, are ADOPTED;

6 2. Defendants' motion to dismiss Carl Korman, filed October 1, 2010 (docket
7 #43), is granted. Defendant Korman is dismissed as an improper party, and defendant McHugh
8 is substituted in place of defendant Geren;

9 3. Defendants' motion for judgment on the pleadings, filed November 12, 2010
10 (docket #56), is granted with leave to amend;

11 4. Plaintiff is permitted to amend her complaint with respect to the sexual
12 harassment hostile environment, retaliation claim within twenty-one days of the filed date of this
13 order.

14 DATED: April 12, 2011.

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17 FRANK C. DAMRELL, JR.
18 UNITED STATES DISTRICT JUDGE
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