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

RUTH LaTOURELLE,

No. 2:10-cv-02667-MCE-CMK

Plaintiff,

vs.

ORDER

TERRY BARBER, et al.,

Defendants.

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Plaintiff Ruth LaTourelle, proceeding pro se, seeks redress for alleged employment discrimination and harassment by Defendants Terry Barber, Wayne Virag, County of Siskiyou, and Siskiyou County Board of Supervisors. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules. On January 21, 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.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), this  
2 Court has conducted a de novo review of this case. The Court adopts the findings and  
3 recommendations except insofar as they are read to dismiss any cause of action against Terry  
4 Barber that accrued on or after September 30, 2008. The findings and recommendations suggest  
5 that the only timely cause of action under Claim Four relates to Terry Barber's allegedly false  
6 accusation that Plaintiff harassed co-workers. However, Plaintiff was allegedly terminated on  
7 March 7, 2009. As a result, Plaintiff's claim that she was terminated for engaging in protected  
8 speech is timely. See National R.R. Passenger Corp. v. Morgan, 536 U.S. 101, 114 (2006)  
9 (holding that discrete acts such as termination constitute separate actionable unlawful  
10 employment practices for purposes of statutes of limitations). Having carefully reviewed the  
11 entire file, and with the preceding exception, the court finds the findings and recommendations to  
12 be supported by the record and by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. The findings and recommendations filed January 21, 2011, are adopted in  
15 part and rejected in part as follows;

16 2. Plaintiff's request for a continuance (ECF No. 6) is denied;

17 3. Defendants' motion to dismiss (ECF No. 5) is granted in part and denied  
18 in part;

19 4. Plaintiff's 1st, 2nd, and 5th Claims are dismissed in their entirety without  
20 leave to amend;

21 5. Plaintiff's 4th Claim is dismissed without leave to amend except plaintiff's  
22 claim against Defendant Barber relating to allegedly retaliatory conduct occurring between  
23 September 30, 2008, and September 30, 2010;

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- 6. Plaintiff's 6th and 7th Claims are dismissed with leave to amend;
- 7. Defendant Virag is dismissed with prejudice; and
- 8. Plaintiff may file an amended complaint within thirty (30) days of the date

this order is electronically filed.

IT IS SO ORDERED.

Dated: March 31, 2011

  
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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE