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

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

No. CIV S-10-3242 GEB EFB PS

vs.

AMADOR COUNTY; LINDA
VAN VLECK; JOHN HAHN; and
DOES 1 through 40,

Defendants.

ORDER

_____ /

On September 1, 2011, the magistrate judge filed findings and recommendations herein 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. After an extension of time, plaintiff filed objections on September 26, 2011, and they were considered by the undersigned.

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 Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

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

3 Accordingly, IT IS ORDERED that:

4 1. The proposed Findings and Recommendations filed September 1, 2011, are
5 ADOPTED.

6 2. Defendants' motion to dismiss, Dckt. No. 16, is granted.

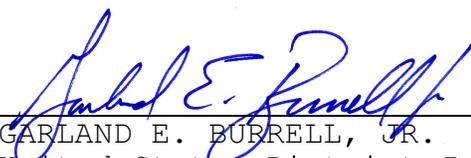
7 3. Plaintiff's first amended complaint is dismissed in its entirety.

8 4. Plaintiff is granted thirty days from the date of service of this order to file a
9 second amended complaint asserting federal claims, so long as he can cure the defects identified
10 in the magistrate judge's findings and recommendations by truthfully alleging facts that are not
11 inconsistent with those contained in his current complaint. In any second amended complaint,
12 plaintiff must plead against which defendants he brings each cause of action, what each
13 defendant did to support relief under each respective cause of action, and what actual injuries
14 plaintiff has suffered as a result of each defendant's conduct. The second amended complaint
15 must bear the docket number assigned to this case and must be labeled "Second Amended
16 Complaint." Failure to timely file a second amended complaint in accordance with this order
17 will result in a recommendation by the assigned magistrate judge that this action be dismissed.

18 5. Plaintiff's motion for declaratory judgment, Dckt. No. 19, is denied without
19 prejudice.

20 6. Plaintiff's request for an extension to serve the Doe defendants, Dckt. No. 30,
21 is denied as moot.

22 Dated: September 28, 2011

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25 GARLAND E. BURRELL, JR.
26 United States District Judge