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

CHRISTOPHER D. SCHNEIDER,

No. 2:10-cv-3242-GEB-EFB PS

Plaintiff,

vs.

AMADOR COUNTY; LINDA
VAN VLECK; JOHN HAHN;
SUSAN GRAIJILIVA; CARA
AUGUSTINE, and DOES 3-40,

Defendants.

ORDER

On March 8, 2013, 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. Plaintiff filed objections on March 22, 2013, 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

1 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir.
2 1983).

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

5 Accordingly, IT IS ORDERED that:

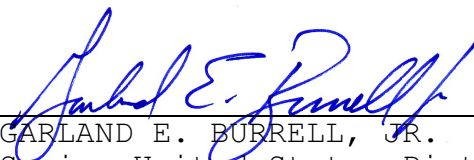
6 1. The proposed Findings and Recommendations filed March 8, 2013, are
7 ADOPTED;

8 2. Defendants' motion to dismiss, Dckt. No. 44, is granted;

9 3. Plaintiff's second amended complaint is dismissed in its entirety, with leave to
10 amend only as set forth in the magistrate judge's findings and recommendations; and

11 4. Plaintiff is granted forty-five days from the date of this order to file a third
12 amended complaint as provided herein, so long as he can cure the defects identified in the
13 magistrate judge's findings and recommendations by truthfully alleging facts that are not
14 inconsistent with those contained in his previous complaints. In any third amended complaint,
15 plaintiff must plead against which defendant(s) he brings each cause of action, what each
16 defendant did to support relief under each respective cause of action, and what actual injuries
17 plaintiff has suffered as a result of each defendant's conduct. The third amended complaint must
18 bear the docket number assigned to this case and must be labeled "Third Amended Complaint."
19 Failure to timely file a third amended complaint in accordance with this order will result in a
20 recommendation by the magistrate judge that this action be dismissed.

21 Dated: March 27, 2013

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24 GARLAND E. BURRELL, JR.
25 Senior United States District Judge
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