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

H.W., minor, by and through Guardian ad Litem  
HEIDI NELSON; and M.K., minor, by and  
through Guardian ad Litem ROBERT  
KOELLING,

Plaintiffs,

No. CIV S-11-0531 GEB GGH

vs.

EASTERN SIERRA UNIFIED SCHOOL  
DISTRICT, et al.,

Defendants.

ORDER

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On September 27, 2012, 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. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. 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. 1983).

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

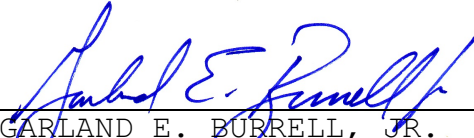
1                   Accordingly, IT IS ORDERED that the Findings and Recommendations filed  
2 September 27, 2012, are ADOPTED and

3                   1. Plaintiffs' motion for attorneys' fees under 42 U.S.C. §1988, filed May 8,  
4 2012, (dkt. no. 50), is granted in the amount of \$44,650 to be apportioned to each plaintiff in  
5 direct proportion to the amount of damages awarded to each plaintiff, against defaulted defendant  
6 Carlisle only;

7                   2. This fee award offsets the attorneys' fees previously awarded by the district  
8 court on May 22, 2012; and

9                   3. Any 42 U.S.C. §1988 fees actually recovered from defendant Carlisle shall be  
10 deducted from the contingency fee.

11 Dated: October 16, 2012

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