

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

STANLEY P. BERMAN,

No. 2:11-cv-00635-MCE-KJN-PS

Plaintiff,

vs.

ORDER

JULIE MCMANUS, et al.,

Defendants.

On May 31, 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. Plaintiff and defendant George A. Roberts filed timely objections to the findings and recommendations. ECF Nos. 33, 34. Defendants Leane Renee, Leslie Scott, and Caroline Sheller filed responses to plaintiff's objections. ECF Nos. 36, 37.

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).

///

1 As to any portion of the proposed findings of fact to which no objection has been made, the
2 Court assumes its correctness and decides the motions on the applicable law. See Orand v.
3 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
4 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
5 1983).

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

8 Accordingly, IT IS ORDERED that:

9 1. The Proposed Findings and Recommendations filed May 31, 2011 (ECF No. 32), are
10 ADOPTED in full;


11 2. Defendants Leslie Scott and Caroline Sheller's motion to dismiss (ECF No. 7) is
12 GRANTED, plaintiff's second claim for relief is dismissed with prejudice as to Scott and
13 Sheller, and Scott and Sheller are dismissed from this action with prejudice.

14 3. Defendant Leane Renee's special motion to strike and motion to dismiss (ECF No. 12)
15 is GRANTED, all of plaintiff's claims alleged against Renee are dismissed with prejudice, and
16 Renee is dismissed from this action with prejudice.

17 4. Defendant Julie McManus's motion to dismiss (ECF No. 15) is GRANTED in part,
18 and the court abstains from hearing plaintiff's claims against McManus, and McManus is
19 dismissed from this action.

20 5. Defendant George A. Roberts's motion to dismiss (ECF No. 9) is GRANTED in part,
21 and the court declines to exercise supplemental jurisdiction over plaintiff's claims against
22 Roberts.

23 Dated: July 28, 2011

24 
25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE