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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GORDON H. FLATTUM,  
  
                                Plaintiff,  
  
                v.  
  
STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER  
AFFAIRS, et al.,  
  
                                Defendants.

No. 2:11-cv-2711 LKK GGH PS

ORDER

Plaintiff is an individual proceeding pro se with this civil rights action pursuant to 42 U.S.C. §1983. On October 24, 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. On November 7, 2013, defendants filed partial objections and on November 21, 2013, plaintiff filed a reply to defendants' partial objections.<sup>1</sup>

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

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<sup>1</sup> On October 25, 2013, plaintiff filed a supplemental opposition to the motion to dismiss. The court has reviewed that supplemental opposition as part of its review of the magistrate judge's findings and recommendations.

1 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As  
2 to any portion of the proposed findings of fact to which no objection has been made, the court  
3 assumes its correctness and decides the motions on the applicable law. See Orand v. United  
4 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
5 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
6 1983).

7 The court has reviewed the applicable legal standards and, good cause appearing,  
8 concludes that it is appropriate to adopt the October 24, 2013 Findings and Recommendations  
9 with only limited modifications.<sup>2</sup> Accordingly, IT IS ORDERED that:


10 1. Defendants' motion to dismiss, filed April 30, 2013, (ECF No. 28), is GRANTED as to  
11 defendants State of California, State of California Department of Consumer Affairs, California  
12 Board of Accountancy, and Lorrie Yost;

13 2. Defendants' motion to dismiss, filed April 30, 2013, (ECF No. 28), is DENIED as to  
14 defendant Patti Bowers;

15 3. Defendants' motion to stay this action is DENIED; and

16 4. Defendant Patti Bowers shall file an answer to plaintiff's second amended complaint  
17 within fourteen days from the date of this order.

18 DATED: April 23, 2014.

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22 LAWRENCE K. KARLTON  
23 SENIOR JUDGE  
24 UNITED STATES DISTRICT COURT  
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28 <sup>2</sup> Specifically, the court will only require defendant Patti Bowers to answer the second amended  
complaint, and she will be required to do so within fourteen days form the date of this order.