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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIANNE SMITH,

Plaintiff,

v.

ANTHONY FOXX,

Defendant.

No. 2:13-cv-0471 JAM CKD PS

ORDER

Plaintiff filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On November 22, 2013, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 22, 2013 are adopted in full;
2. Defendant's motion to dismiss (ECF No. 14) is granted;

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3. Plaintiff's tort claims for defamation and perjury and disability accommodation claim under the Rehabilitation Act are dismissed for lack of subject matter jurisdiction;

4. Plaintiff is granted thirty days to file an amended complaint that does not include the claims dismissed for lack of subject matter jurisdiction. Each allegation in the First Amended Complaint shall be separately numbered in accordance with Federal Rule of Civil Procedure 10(b); and

5. Defendant is granted thirty days to respond to the First Amended Complaint.

DATED: January 29, 2014

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE