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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN FINLEY,

Plaintiff,

v.

NORTHERN CA. CARPENTERS
PENSION TRUST FUND TRUSTEES, ET
AL., BOB ALVARADO, MIKE KNAB,
CHARLENE MARTINEZ, BILL
FEYLING, FIELD REPRESENTATIVES
RIGO LAGUARDIA LOCAL 217,
SHAWN LEONARD LOCAL 2236, JAY
STREETS LOCAL 405,

Defendants.

No. 2:13-cv-1132-GEB-EFB PS

ORDER

On September 15, 2014, 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.

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

Accordingly, IT IS ORDERED that:

1. The proposed Findings and Recommendations filed September 15, 2014, are ADOPTED;

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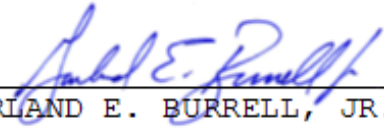
2. Defendants' motion to dismiss, ECF Nos. 29, 30, is granted in part and denied in part as follows:

a. Defendants' request to dismiss the case for improper venue pursuant to Rule 12(b)(3) is denied; and

b. The complaint is dismissed pursuant to Rule 12(b)(6) for failure to state a claim; and

3. Plaintiff is granted thirty days from the date of this order to file a first amended complaint as provided in the magistrate judge's findings and recommendations.

Dated: September 30, 2014



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