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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIEN EDWARD SMITH,
Plaintiff,
v.
LOWE’S HIW, INC.,
Defendants.

No. 2:13-cv-1713 WBS AC PS

ORDER

Plaintiff is proceeding in this action in pro per. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On April 14, 2014, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.


Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 14, 2014 are adopted in full;

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- 2. Defendant's January 30, 2014 motion to dismiss (ECF No. 18) is granted;
- 3. Defendant's January 30, 2014 motion to strike (ECF No. 19) is denied as moot; and
- 4. Plaintiff is granted leave to amend his complaint to assert defamation claims based exclusively on the allegedly defamatory statements included in his personal file.

Dated: May 12, 2014



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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