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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 2:13-cv-1713 WBS AC

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 September 11, 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. (ECF No. 40.) Defendants have filed objections to the findings and recommendations. (ECF No. 41.)

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 September 11, 2014, (ECF No. 40) are

1 adopted in full;

2 2. Defendant's June 16, 2014, motion to dismiss (ECF No. 35) is granted; and

3 3. Plaintiff is granted leave to amend his complaint to assert defamation claims based on
4 the allegedly defamatory statements included in his personnel file and Mr. Vipond's statement to
5 defendant's management team.

6 Dated: October 23, 2014

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8 WILLIAM B. SHUBB
9 UNITED STATES DISTRICT JUDGE
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