1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:14-cv-620-TLN-KJN PS FREDERICK MARCELES COOLEY, 12 Plaintiff. 13 v. **ORDER** 14 CITY OF VALLEJO, et al., 15 Defendants. 16 17 On July 29, 2014, the magistrate judge filed findings and recommendations (ECF No. 34), 18 which were served on the parties and which contained notice that any objections to the findings 19 and recommendations were to be filed within fourteen (14) days. On August 11, 2014, Plaintiff 20 filed objections to the findings and recommendations (ECF No. 35), which have been considered 21 by the court. Defendants did not file any objections to the findings and recommendations. 22 This Court reviews de novo those portions of the proposed findings of fact to which an 23 objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore 24 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection 25 26 has been made, the Court assumes its correctness and decides the matter on the applicable law. 27 See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's 28 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 1

452, 454 (9th Cir. 1983).

The Court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations (ECF No. 34) are ADOPTED.
- 2. Defendants' motion to dismiss Plaintiff's first amended complaint (ECF No. 22) is denied.
- 3. Defendants shall answer Plaintiff's first amended complaint within 21 days of this order.

Dated: September 2, 2014

Troy L. Nunley

United States District Judge