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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOYLE DEAN HARTLINE,
Plaintiff,
v.
NATIONAL UNIVERSITY,
Defendant.

No. 2:14-cv-0635 KJM AC (PS)

ORDER

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

On August 7, 2015, the magistrate judge filed findings and recommendations, 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 twenty-one days. ECF No. 43. Defendant has filed objections to the findings and recommendations. ECF No. 46. Plaintiff also has filed objections to the findings and recommendations. ECF No. 50.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 7, 2015 are adopted in full; and

2. Defendant’s motion to dismiss (ECF No. 32) is GRANTED as follows:

a. GRANTED with prejudice as to Counts 1 through 4 (ADA and RA claims), on statute of limitations grounds;

b. GRANTED without prejudice, as to Count 5 (RA Claim), and plaintiff is granted LEAVE TO AMEND within 30 days if he can plead facts establishing that he has standing, as discussed in the findings and recommendations;

c. GRANTED with prejudice as to Counts 6 and 7 (Age Discrimination Act claims), for failure to exhaust administrative remedies;

d. GRANTED with prejudice as to Counts 8 through 10 (“Due Process” claims), for failure to state a claim;

e. GRANTED with prejudice as to Count 11 (“reckless endangerment” claim), for failure to state a claim;

f. GRANTED with prejudice as to Count 12 (fraud claim), insofar as it is based on plaintiff’s placement in student teaching jobs, on statute of limitations grounds;

g. GRANTED without prejudice as to Count 12 (fraud claim), insofar as it is based on alleged misrepresentations of defendant’s prior experience with disabled students, and plaintiff is granted LEAVE TO AMEND this claim within 30 days; and

h. GRANTED with prejudice as to Count 13 (personal injury claim).

DATED: February 3, 2016


UNITED STATES DISTRICT JUDGE