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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GIDDENS,
Plaintiff,
v.
CITY OF SUISUN, et al.,
Defendants.

No. 2:14-cv-0943 TLN AC

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On October 20, 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. 19.) Neither party has filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 20, 2014, are adopted in full;
2. Defendants’ September 2, 2014, motion to dismiss, ECF NO. 6, is GRANTED IN PART and DENIED IN PART as follows:

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a. GRANTED as to Plaintiff's third (Conspiracy), fourth (Equal Protection), fifth (Unconstitutional Policy), thirteenth (Dilution of Vote) and fourteenth (Dilution of Representation) causes of action, with leave to amend;

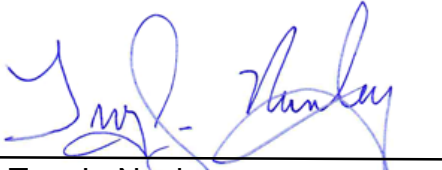
b. GRANTED as to Plaintiff's seventh (Malicious Prosecution) cause of action, without leave to amend;

c. GRANTED as to Plaintiff's eleventh (Intentional Infliction of Emotional Distress) cause of action, without leave to amend insofar as it is predicated on malicious prosecution but without prejudice to an Intentional Infliction of Emotional Distress claim based on injuries outside the scope of Cal. Gov. Code § 821.6 immunity;

d. GRANTED as to Plaintiff's twelfth (Separation of Powers) cause of action, without leave to amend insofar as it is predicated on Article 3 Section 3 of the California Constitution, but without prejudice to a related claim with a different legal basis; and

e. DENIED as to Plaintiff's sixth (Failure to Train, Supervise, and Discipline) cause of action.

Dated: November 17, 2014



Troy L. Nunley
United States District Judge