

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 2:14-cv-0943 TLN AC (PS)

ORDER

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

On February 18, 2015, 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. 35.) 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 February 18, 2015 (ECF No. 35), are adopted in full;
2. The Motion to Dismiss is granted in part and denied in part as follows:

1 a. GRANTED as to the Equal Protection claim (Claim 3). Claim 3 is dismissed  
2 with leave to amend, for the limited purpose of permitting Plaintiff to allege facts showing that he  
3 was singled out for detrimental treatment by the police and the City Council, that this treatment  
4 was not applied to other similarly situated persons, and that there was no rational basis for the  
5 differential treatment.

6 b. DENIED as to the First Amendment claim (Claim 4).

7 c. GRANTED as to the conspiracy claim (Claim 5), which is dismissed with leave  
8 to amend.

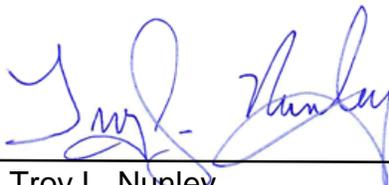
9 d. GRANTED as to the failure to prevent conspiracy claim (Claim 6), which is  
10 dismissed with leave to amend.

11 e. GRANTED as to the Separation of Powers claim (Claim 14), which is  
12 dismissed with prejudice.

13 f. Leave to amend is limited to the claims specified, and Plaintiff is directed that  
14 amendment to add new claims to the Complaint shall require leave of court pursuant to Fed. R.  
15 Civ. P. 15(a)(2).

16  
17 IT IS SO ORDERED.

18 Dated: April 23, 2015

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
\_\_\_\_\_  
Troy L. Nunley  
United States District Judge