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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 28, 2017, are adopted in full; and
2. Banzhaf’s motion to dismiss (ECF No. 42) is granted in part and denied in part, with the result that Birrell’s § 1983 claims against Banzhaf is dismissed with prejudice.

Dated: July 14, 2017

/s/ JOHN A. MENDEZ
John A. Mendez
United States District Court Judge

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