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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN RALEY,
Plaintiff,
v.
BOB WILLIAMS, et al.,
Defendants.

No. 2:14-cv-02652-JAM-DMC

ORDER

Plaintiff is proceeding without counsel with an action under 42 U.S.C. § 1983 and state law. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 23, 2018, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. Timely objections to the findings and recommendations have been filed.

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. The Court adopts in part and modifies

1 in part the findings and recommendations as to Defendants' motion
2 for attorney's fees.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed August 23, 2018,
5 are adopted in part and rejected in part;

6 2. Defendants' motion to dismiss (ECF No. 8) is granted;

7 3. Plaintiff's due process and equal protection claims are
8 dismissed with prejudice;

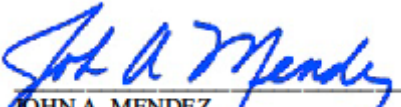
9 4. Plaintiff's excessive fine and state law claims are
10 dismissed without prejudice; and

11 5. Plaintiff has twenty (20) days to file an amended
12 complaint on the claims not subject to dismissal with prejudice.

13 6. Defendants shall file their responsive pleading to any
14 amended complaint within twenty (20) days thereafter.

15 IT IS SO ORDERED.

16 Dated: December 18, 2018.

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19 **JOHN A. MENDEZ,**
20 **UNITED STATES DISTRICT JUDGE**
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