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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN LEE HOFFMANN,
Plaintiff,
v.
JUSTIN JOURDAN, et al.,
Defendants.

No. 2:14-cv-2736 MCE KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 19, 2016, 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. Plaintiff has filed objections to the findings and recommendations.

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 19, 2016, are adopted in full; and

2. Defendants' motion to dismiss (ECF No. 29 is granted in part and denied in part as follows:

A. Defendants' motion to dismiss plaintiff's state law claims for assault and battery as improperly amended into the pleading is denied;

B. Plaintiff's state law claims against defendants City of Corning and the County of Tehama is dismissed;

C. Plaintiff's state law claims against the Corning Super 8 Motel are dismissed without prejudice;

D. Plaintiff's state law claims for negligence and the intentional infliction of emotional distress against defendants Jourdan, Hill, Bassett and Fears are dismissed;

E. Defendants' motion to dismiss plaintiff's Fourth Amendment claims for unlawful detention and fourth cause of action for false imprisonment is denied;

3. Plaintiff's state law claims for assault and battery against defendant Fears are dismissed for failure to state a claim;

4. Within twenty-one days from the date of this order, defendants Jourdan, Hill, Bassett and Fears are directed to file an answer.

IT IS SO ORDERED.

Dated: September 20, 2016


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE