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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH BROWN,  
  
                                Plaintiff,  
  
                                v.  
  
JAMES MATTIS, Secretary of Defense;  
UNITED STATES DEPARTMENT OF  
DEFENSE,  
  
                                Defendants.

No. 2:15-cv-26-JAM-EFB PS

ORDER

On February 16, 2017, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

Accordingly, IT IS ORDERED that:

1. The proposed Findings and Recommendations filed February 16, 2017, are ADOPTED;
2. Defendants’ motion to dismiss (ECF No. 22) is granted as follows:
  - a. Plaintiff’s Title VII and ADEA claims are dismissed without leave to amend to the extent they are predicated on agency action that occurred after June 11,

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2013. The balance of plaintiff’s age discrimination claim is dismissed with leave to amend.

b. Plaintiff’s defamation claim and due process claims (and related harmful procedural error claim) are dismissed without leave to amend.

3. Plaintiff is granted thirty days from the date of this order to file an amended complaint as provided herein. The amended complaint must bear the docket number assigned to this case and must be labeled “Second Amended Complaint.” Should plaintiff fail to timely file an amended complaint, this action will proceed on plaintiff’s Title VII claim challenging defendants’ conduct prior to the suspension of his security clearance.

DATED: March 29, 2017

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE