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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALICIA CASTANEDA-VELAZAQUEZ
GADDIS,

Plaintiff,

v.

FIDELITY NATIONAL TITLE
(INSURANCE) COMPANY, et al.,

Defendants.

No. 2:15-cv-275-JAM-EFB PS

ORDER

On June 24, 2015, 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. Defendant First American Title Insurance Company (“First American”) and plaintiff filed objections, which were considered by the undersigned.¹

¹ In its objections First American notes that the findings and recommendations reference its motion to dismiss but do not specifically state that its motion was heard by the court on April 1, 2015. ECF No. 30. Accordingly, First American requests that the findings and recommendations be modified and/or amended to reflect that its motion was heard on April 1, 2015 and that it be clarified that the term “defendants” includes First American. *Id.* Although the findings and recommendations do not specifically state that First American’s motion was heard on April 1, it is clear that the findings and recommendations addressed and resolved First American’s motion to dismiss. Indeed, the findings and recommendations contain multiple citations to First American’s motion and specifically recommend that its motion be granted.

1 This court reviews de novo those portions of the proposed findings of fact to which
2 objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore
3 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As
4 to any portion of the proposed findings of fact to which no objection has been made, the court
5 assumes its correctness and decides the motions on the applicable law. See Orand v. United
6 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
7 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

8 The court has reviewed the applicable legal standards and, good cause appearing,
9 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.
10 Accordingly, IT IS ORDERED that:

- 11 1. The proposed Findings and Recommendations filed June 24, 2015, are ADOPTED;
- 12 2. Defendants' motions to dismiss, ECF Nos. 4, 5, are granted;
- 13 3. Plaintiff's complaint is dismissed without leave to amend;
- 14 4. Plaintiff's motions to amend, ECF Nos. 20, 33, are denied; and
- 15 5. The Clerk is directed to close this case.

16 DATED: July 24, 2015

17 /s/ John A. Mendez

18 UNITED STATES DISTRICT COURT JUDGE

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28 Accordingly, there is no need to modify the findings and recommendations.