

1 the file, the court finds the findings and recommendations to be supported by the record and by
2 the proper analysis. Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed February 9, 2017, are adopted in full; and
- 4 2. Defendant's motion to dismiss (ECF No. 19) is DENIED without prejudice.

5 DATED: March 23, 2017

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8 UNITED STATES DISTRICT JUDGE
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