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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID P. DEMAREST,
Plaintiff,
v.
CITY OF VALLEJO, et al.,
Defendant.

No. 2:16-cv-02271-GEB-KJN

ORDER

On July 31, 2017, the magistrate judge filed findings and recommendations (ECF No. 25), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed.

Accordingly, the court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

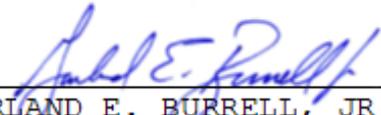
1. The findings and recommendations (ECF No. 25) are ADOPTED.
2. Defendant’s motion to dismiss plaintiff’s first amended complaint (ECF No. 16) is

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GRANTED.

- 3. Plaintiff's second, third, fourth, fifth, sixth, and tenth causes of action in his first amended complaint (ECF No. 13) are DISMISSED without leave to amend.
- 4. Plaintiff's seventh and eighth causes of action in his first amended complaint (id.) are DISMISSED with leave to amend after discovery, subject to the limitations of Federal Rule of Civil Procedure 11.
- 5. Plaintiff's request for punitive damages in his first amended complaint (id.) is STRICKEN.
- 6. Plaintiff's first amended complaint PROCEEDS on his first and ninth causes of action.

Dated: August 25, 2017



GARLAND E. BURRELL, JR.
Senior United States District Judge