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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER IAN GUSTARD,
Plaintiff,
v.
KAMALA HARRIS, et al.,
Defendants.

No. 2:17-cv-0012-GEB-EFB P

ORDER

Plaintiff, a federal 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 November 30, 2017, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 30, 2017, are adopted in full.
2. The following claims are dismissed with prejudice:

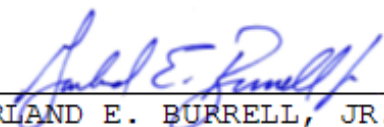
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- a. Plaintiff's Fourth Amendment claim;
- b. Plaintiff's equal protection claim insofar as it is based on membership in a protected class;
- c. Plaintiff's substantive due process claims;
- d. Plaintiff's facial due process challenge to §§ 118 and 490 of the California Business and Professions Code;
- e. Plaintiff's as-applied due process challenge to § 118 of the California Business and Professions Code;
- f. Plaintiff's § 1985 conspiracy claims; and
- g. Plaintiff's pendent state-law claim based on § 1094.6 of the California Code of Civil Procedure.

3. Defendant Harris is dismissed from the case with prejudice.

4. The complaint is dismissed with leave to amend within 30 days. Any amended complaint must include copies of the ALJ's decision and the D&O adopting it. If these documents are unavailable, plaintiff must explain why. Failure to comply with this order may result in a recommendation that this action be dismissed for failure to state a claim and/or failure to prosecute.

Dated: January 17, 2018



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