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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

 Plaintiff,

 v.

M. RICHARD, CHP Captain Commander,
et al.,

 Defendants.

No. 2:17-cv-00149-JAM-GGH

ORDER

Plaintiff appears in this action pro se and in forma pauperis. On March 7, 2018 the magistrate judge issued an Order and Findings and Recommendations which it was recommended that plaintiff’s Omnibus Crime Control and Safe Streets Act claim should be finally dismissed as should any claim based on an alleged 2013 racial profiling stop, defendants Joseph Farrow and Michael Richard who were sued only in their official capacities should be dismissed as should defendants Kent, Thompson, Nichols Williams, Vasilou, Koon, Bertola and deceased defendant Matthews. The magistrate judge further recommended that the motion to dismiss the section 2000d allegations based on the statute of limitations should be denied and defendant Stanley, in his official capacity, and defendant Fish in his individual capacity should remain in the case. Finally, it was recommended that no further amendments should be permitted and defendants should file an answer to the now final complaint. ECF No. 64.

Thereafter, on April 27, 2018 the magistrate judge issued an Order informing the parties they had 14 days from the date of its issuance to file and serve any written objections they might have to the Findings and Recommendations and warning that the failure to so file could waive any objections to this court’s Order. ECF No. 65. Plaintiff filed objections on May 11, 2018. ECF No. 66.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,

1 this court has conducted a de novo review of this case. Having reviewed the file and the
2 magistrate judge's findings and recommendations the court ADOPTS the findings and
3 recommendations in full.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Any claim based on the Omnibus Crime Control and Safe Streets Act is finally
6 dismissed;
- 7 2. Any claim based on the alleged 2013 racial profiling stop is finally dismissed;
- 8 3. Joseph Farrow and Michael Richard who are sued only in their official capacities
9 are finally dismissed;
- 10 4. Defendants Kent, Thompson, Nichols, Williams, Vasilou (investigator), Koon and
11 Bertola are finally dismissed;
- 12 5. Deceased defendant Matthews is dismissed;
- 13 6. Defendants' Motion to Dismiss the 2000d allegations based on the statute of
14 limitations is denied;
- 15 7. Claims against defendant Stanley in his official capacity and defendant Fish in his
16 individual capacity shall remain in the case;
- 17 8. No further amendments to the complaint are permitted;
- 18 9. Defendants shall file an Answer to the Complaint within 30 days of the issuance of
19 this Order.

20 IT IS SO ORDERED.

21 DATED: June 5, 2018

22 /s/ John A. Mendez

23 UNITED STATES DISTRICT COURT JUDGE
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