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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LULL,  
Plaintiff,  
v.  
COUNTY OF SACRAMENTO, et al.,  
Defendants.

No. 2:17-cv-01211-TLN-EFB

ORDER

On March 1, 2018, 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. (ECF No. 15.) Plaintiff filed objections on March 14, 2018. (ECF No. 17.) Defendants filed objections on March 15, 2018 (ECF No. 18), and a response to Plaintiff’s objections on March 20, 2018 (ECF No. 19).

This Court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and decides the motions on the applicable law. 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 Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The Court has reviewed the applicable legal standards and, good cause appearing,

1 concludes that it is appropriate to adopt the findings and recommendations in full, except as  
2 identified in the accompanying footnote.<sup>1</sup> Accordingly, IT IS ORDERED that:

3 1. The findings and recommendations filed March 1, 2018 (ECF No. 15), are adopted in  
4 full, except as provided by footnote 1 of this Order.

5 2. The County of Sacramento's motion to dismiss (ECF No. 5) is granted.

6 3. Defendants Stewart and Doane's motion to dismiss (ECF No. 10) is granted.

7 4. In summary,

8 a. Plaintiff's first claim ("Unreasonable Search and Seizure") against Defendant  
9 Stewart is dismissed without leave to amend.

10 b. Plaintiff's second claim ("Substantive Due Process") against Defendants  
11 Stewart, Doane, and County of Sacramento is dismissed without leave to amend.

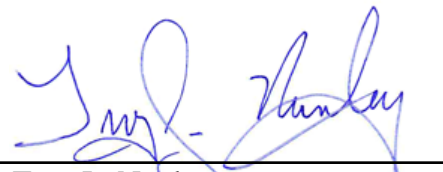
12 c. Plaintiff's third claim ("Equal Protection") against Defendants Stewart, Doane,  
13 and County of Sacramento is dismissed without leave to amend.

14 d. Plaintiff's fourth claim ("Retaliation for Exercise of Free Speech") against  
15 Defendant Stewart is dismissed with leave to amend.

16 e. The Court declines to exercise jurisdiction over Plaintiff's fifth claim  
17 ("Violation of CA Bane Act") against Defendant Stewart.

18 5. Plaintiff is granted thirty days from the date of this Order is filed to file an amended  
19 complaint as provided in the magistrate judge's findings and recommendations. The amended  
20 complaint must bear the docket number assigned to this case and must be labeled "Second  
21 Amended Complaint."

22  
23 Dated: March 30, 2018

24   
25 Troy L. Nunley  
United States District Judge

26 <sup>1</sup> The magistrate judge recommends that "Plaintiff's First Amendment claim be dismissed with leave to  
27 amend." (ECF No. 15 at 15.) The Court agrees with this recommendation and the magistrate judge's underlying  
28 analysis. (ECF No. 15 at 12-15.) For this reason, the Court declines to adopt the following sentence from the  
findings and recommendations: "Should plaintiff fail to timely file an amended complaint, this action will proceed  
on plaintiff's First Amendment claim against defendant Stewart." (ECF No. 15 at 15.)