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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LULL,  
  
Plaintiff,  
  
v.  
  
COUNTY OF SACRAMENTO, CORY  
STEWART, MICHAEL DOANE, and  
DOES 1 to 100,  
  
Defendants.

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

ORDER

On March 4, 2019, 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. 34.) Defendant Stewart filed objections on March 18, 2019. (ECF No. 35.) Plaintiff filed objections on March 19, 2019. (ECF No. 36.)

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

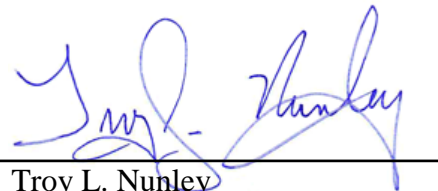
1 reviewed de novo. See *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

2 The Court has reviewed the applicable legal standards and, good cause appearing,  
3 concludes that it is appropriate to adopt the proposed findings and recommendations in full.

4 Accordingly, IT IS ORDERED that:

- 5 1. The proposed Findings and Recommendations filed March 4, 2019, are adopted;
- 6 2. Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 24)  
7 is GRANTED IN PART and DENIED IN PART;
- 8 3. Plaintiff's claims for violation of the Fourth and Fourteenth Amendments (causes of  
9 action one and two) are stricken; and
- 10 4. The Motion is DENIED as to Plaintiff's First Amendment retaliation claim and Bane  
11 Act claim against Defendant Stewart.

12 Dated: March 28, 2019

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16 Troy L. Nunley  
17 United States District Judge  
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