

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
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

Plaintiff Christopher Lull (“Plaintiff”), an individual 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 Local Rule 302(c)(21).

On September 11, 2020, 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. 61.) Defendant Cory Stewart (“Defendant”) filed objections on September 25, 2020 (ECF No. 62), and they were considered by the undersigned.

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

1 to any portion of the proposed findings of fact to which no objection has been made, the Court
2 assumes its correctness and decides the motions on the applicable law. See Orand v. United
3 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
4 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

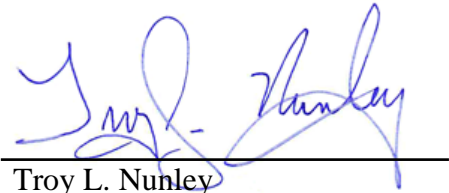
5 The Court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

7 Accordingly, IT IS ORDERED that:

- 8 1. The proposed Findings and Recommendations filed September 11, 2020 (ECF No. 61),
9 are ADOPTED IN FULL;
- 10 2. Plaintiff's request for reconsideration (ECF No. 49) is GRANTED; and
- 11 3. Plaintiff is permitted to proceed on the second amended complaint's Fourth
12 Amendment claim.

13 IT IS SO ORDERED.

14 DATED: October 6, 2020

15
16
17 

18 Troy L. Nunley
19 United States District Judge
20
21
22
23
24
25
26
27
28