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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's First and Fifth Amendment claims are dismissed without leave to amend;
2. Plaintiff's procedural Due Process claim is dismissed without leave to amend if, indeed, one has been alleged at all;
3. Plaintiff's Fourth Amendment claim is dismissed with leave to amend, in conformity with the discussion in the findings and recommendations, within 20 days of the date this Order is filed; and¹
4. With respect to Plaintiff's Fourteenth Amendment Equal Protection and substantive Due Process claims, Defendants' motion to dismiss is DENIED.

Dated: March 15, 2018



Troy L. Nunley
United States District Judge

¹ Plaintiff filed a second amended complaint before Defendants filed their objections. (ECF No. 34.)