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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAN BAILEY,

Plaintiff,

v.

ENLOE MEDICAL CENTER,

Defendant.

No. 2:18-CV-0055-KJM-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action for wrongful termination. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On February 23, 2021, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *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 Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

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1 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed February 23, 2021, are adopted in  
5 full;

6 2. Defendant’s motion to dismiss, ECF No. 62, is granted;

7 3. Plaintiff’s third, fourth, and fifth claims are dismissed with prejudice;

8 4. Plaintiff’s seventh claim based on statements made to Plaintiff’s union  
9 representatives, statements made to the California Employment Development Department, and  
10 statements made to the California Health and Human Services Agency claim is dismissed with  
11 prejudice;

12 5. Plaintiff’s seventh claim based on statements made to Cal Fire is dismissed  
13 with leave to amend;

14 6. Plaintiff’s eighth claim is dismissed with prejudice as duplicative; and

15 7. Within 30 days of the date of this order, Plaintiff shall:

16 (i) file a third amended complaint to cure the defects identified  
17 in the findings and recommendations as to his seventh claim based on  
statements made to Cal Fire;

18 or

19 (ii) elect to voluntarily dismiss the remainder of the seventh  
20 claim and proceed solely on the first, second, and sixth claims for  
relief as alleged in the second amended complaint.

21  
22 DATED: May 23, 2022.

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25 CHIEF UNITED STATES DISTRICT JUDGE  
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