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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW R. ORTIZ; RENE ORTIZ, AS
TRUSTEE FOR ANDREW R. ORTIZ,

Plaintiffs,

v.

GATESTONE & CO. INTERNATIONAL,
INC.,

Defendant.

No. 2:18-cv-2479-JAM-EFB PS

ORDER

On August 8, 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. Plaintiffs filed a document on August 22, 2019, which has been 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 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).

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

3 Accordingly, IT IS ORDERED that:

- 4 1. The proposed Findings and Recommendations filed August 8, 2019, are adopted;
- 5 2. Defendant's motion to dismiss (ECF No. 3) is granted and plaintiffs' complaint is
6 dismissed for failure to comply with Rule 8 and for failure to state a claim;
- 7 3. Plaintiffs are granted thirty days from the date of this order to file an amended
8 complaint as provided in the magistrate judge's findings and recommendations; and
- 9 4. Plaintiffs' motion for default judgment and/or summary judgment (ECF No. 7) is
10 denied.

11 Dated: October 3, 2019

12 /s/ John A. Mendez
13 HONORABLE JOHN A. MENDEZ
14 United States District Court Judge