

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES SCALES
Plaintiff,
v.
CALIFORNIA BUREAU OF
AUTOMOTIVE REPAIR,
Defendant.

No. 2:18-cv-03062-MCE-CKD (PS)

ORDER

Plaintiff filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On August 19, 2019, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 19, 2019, (ECF No. 17) are ADOPTED in full;

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

2. Defendant's motion to dismiss and motion to strike (ECF No 4) is GRANTED IN PART AND DENIED IN PART;

3. All claims against the California Bureau of Automotive Repair are DISMISSED WITHOUT LEAVE TO AMEND;


4. Plaintiff's claims pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq. and California state law are DISMISSED WITHOUT LEAVE TO AMEND;

5. Plaintiff are granted leave to amend his claim pursuant to 42 U.S.C. § 1983 to add defendants Patrick Lufti and Tom Bowden; and

6. Plaintiff are ordered to file and serve a first amended complaint, in accordance with these findings and recommendations, within 28 days.

IT IS SO ORDERED.

Dated: November 19, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE