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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON DAVIS JR.,

 Plaintiff,

 v.

DEPARTMENT OF VETERANS
AFFAIRS—VETERAN BENEFITS
ADMINISTRATION, et al.

 Defendants.

No. 2:19-cv-01330-JAM-KJN PS

ORDER

(ECF No. 6, 11, 12)

On November 18, 2019, the magistrate judge filed findings and recommendations (ECF No. 11), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On November 27, 2019 plaintiff filed objections to the findings and recommendations (ECF No. 12), which have been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an 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); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). 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 matter on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s

1 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d
2 452, 454 (9th Cir. 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,
4 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,

5 IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations (ECF No. 11) are ADOPTED;
- 7 2. Defendant's motion to dismiss (ECF No. 6) is GRANTED;
- 8 3. Plaintiff's Complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE; and
- 9 4. The Clerk of the Court is ordered to CLOSE this case.

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11 DATED: December 6, 2019

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/s/ John A. Mendez_____

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UNITED STATES DISTRICT COURT JUDGE

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