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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM JOHN MACKINTOSH,

Plaintiff,

v.

LYFT, INC., et al.,

Defendants.

No. 2:19-cv-1849-MCE-KJN PS

ORDER

(ECF Nos. 5, 7, 8, 9, 11, 14, 15, 16, 17, 18, 20, 23, 34, 50, 69)

On November 1, 2019, the magistrate judge filed findings and recommendations (ECF No. 69), 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. No objections were filed.

Accordingly, 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 Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).


The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations (ECF No. 69) are ADOPTED;
2. Plaintiff's motion to remand and motion for sanctions (ECF No. 23) are DENIED;
3. Defendants' motions to dismiss for violations of the "short and plain statement" rule (ECF Nos. 5, 7, 8, 9, 11, 14, 15, 16, 17, 18, and 20) are GRANTED;
4. Defendants' motions to strike portions of the complaint (ECF Nos. 9, 14, 17, 18, 20) and Plaintiff's motion for default judgment (ECF No. 50) are DENIED AS MOOT;
5. Plaintiff's motion to strike the motions to dismiss (ECF No. 34) is resolved alongside the motions to dismiss, and inasmuch as it must be ruled upon, it is DENIED;
6. Plaintiff's complaint is DISMISSED with leave to amend;
7. Within 21 days of this order, Plaintiff is ordered file either (a) a second amended complaint in compliance with this order or (b) a request for voluntary dismissal of the action without prejudice; and
8. Plaintiff is informed that failure to timely comply with the Magistrate Judge's recommendations and this order may result in dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: December 3, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE