

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

DAVID DANIEL CEPEDA,
Plaintiff,
v.
MOLLY J. STEBER, Sacramento County
District Attorney’s Office,
Defendant.

No. 2:20-cv-01320 KJM AC (PS)

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 302(c)(21).

On July 7, 2020, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 3. Plaintiff has not filed objections to the findings and recommendations. Plaintiff has moved to disqualify the magistrate judge, ECF No. 4; the court has reviewed this motion and finds it is without support.

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] court

1 . . .”). 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 July 7, 2020, are adopted in full;

5 2. Plaintiff’s request to proceed in forma pauperis (ECF No. 2) is GRANTED, but the
6 complaint (ECF No. 1) is DISMISSED with prejudice because it fails to state a claim upon which
7 relief can be granted and because it brings claims against defendants who are immune under the
8 applicable law.

9 3. The motion to disqualify the magistrate judge (ECF No. 4) is DENIED; and

10 4. The Clerk of Court is directed to close this case.

11 DATED: October 15, 2020.

12 
13 _____
14 CHIEF UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28