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MICHELLE OSBORNE,

v.

Plaintiff,

Defendants.

TRACY POLICE DEPARTMENT, et al.,

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FOR THE EASTERN DISTRICT OF CALIFORNIA

TOK THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

No. 2:20-cv-1805-JAM-KJN PS

<u>ORDER</u>

(ECF Nos. 9, 12, 18.)

On October 30, 2020 the magistrate judge filed findings and recommendations (ECF No. 18), 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 13, 2020, plaintiff filed objections to the findings and recommendations (ECF No. 19), 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 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: 1. The findings and recommendations (ECF No. 18) are ADOPTED; 2. Plaintiff's motion to proceed in forma pauperis (ECF No. 9) is DENIED as moot; 3. Defendants' motion to dismiss (ECF No. 12) is GRANTED; 4. Plaintiff's state-law, Title VII, and Monell claims are DISMISSED WITH PREJUDICE; 5. Plaintiff's Section 1983 claims against the individual defendants are DISMISSED WITHOUT PREJUDICE; and 6. Plaintiff is granted 21 days from the date of this order to amend her Section 1983 claims against the individual officers. Plaintiff shall follow the "Standards for Amendment" section contained in the magistrate judge's findings and recommendations. /s/ John A. Mendez DATED: November 20, 2020 THE HONORABLE JOHN A. MENDEZ UNITED STATES DISTRICT COURT JUDGE

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