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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,  
Plaintiff,  
v.  
LL SACRAMENTO LP,  
Defendant.

No. 2:21-cv-01481-KJM-JDP (PS)

ORDER

On August 15, 2022, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

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 . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed August 15, 2022, are adopted;

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2. Defendant's motion to dismiss, ECF No. 7, is granted and the complaint, ECF No. 1, is dismissed with leave to amend; and

3. This matter is referred back to the assigned magistrate judge for all further pretrial proceedings, including consideration of whether to consider plaintiff's amended complaint now on file albeit unauthorized.

DATED: September 14, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE