

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

CHESTER FINNEY,  
Plaintiff,  
v.  
GAVIN NEWSOM,  
Defendant.

No. 2:21-cv-1853-WBS-KJN PS  
ORDER  
(ECF No. 7.)

On November 4, 2021 the magistrate judge filed findings and recommendations (ECF No. 7), 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. After the magistrate judge granted an extension of time to file objections, plaintiff did so file (ECF No. 11); these 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

1 452, 454 (9th Cir. 1983).

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

4 IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations (ECF No. 7) are ADOPTED IN FULL;
- 6 2. Plaintiff's claim against defendant Newsom is DISMISSED and leave to amend is  
7 DENIED;
- 8 3. Plaintiff's motion to appoint counsel is DENIED as moot; and
- 9 4. The Clerk of the Court is directed to CLOSE this case.

10 Dated: December 20, 2021



11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28