

1 Smith despite filing multiple amended complaints. (*Id.* at 7–8.)

2 Those findings and recommendations were served on the parties and contained notice that
3 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 9.) No
4 party filed any objections to the pending findings and recommendations, and the time to do so has
5 passed.


6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the
7 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
8 court concludes that the findings and recommendations are supported by the record and proper
9 analysis.¹

10 Accordingly:

- 11 1. The findings and recommendations issued on February 13, 2024 (Doc. No. 39) are
12 adopted;
- 13 2. Defendant Christopher Smith’s motion to dismiss plaintiff’s claim brought against
14 him (Doc. No. 28) is granted;
- 15 3. Plaintiff’s claim brought against defendant Smith is dismissed without further
16 leave to amend;
- 17 4. Defendant Christopher Smith is dismissed from this action;
- 18 5. The Clerk of the Court is directed to update the docket to reflect that defendant
19 Christopher Smith has been terminated as a named defendant in this action; and
- 20 6. This action is referred back to the assigned magistrate judge for further
21 proceedings.

22 IT IS SO ORDERED.

23 Dated: March 25, 2024

24 
25 DALE A. DROZD
26 UNITED STATES DISTRICT JUDGE

27 ¹ The court does decline to adopt the sentence in the pending findings and recommendations
28 which attributes a quotation to the Ninth Circuit’s decision in *Peralta v. Dillard*, 744 F.3d 1076
(9th Cir. 2014). (*See* Doc. No. 39 at 7.) The court has not located the quoted language in the
cited decision.