

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KOWAN SHAWN MCCLURE,

No. C 14-5629 MMC

Plaintiff,

**ORDER ADOPTING MAGISTRATE  
JUDGE’S REPORT AND  
RECOMMENDATION; DISMISSING  
COMPLAINT WITH LEAVE TO AMEND**

v.

YOUTH AND FAMILY SERVICES OF  
SOLANO COUNTY, et al.,

Defendants.

Before the Court is Magistrate Judge Joseph C. Spero’s Report and Recommendation, filed April 3, 2015, by which Magistrate Judge Spero recommends the complaint be dismissed for failure to state a federal claim, in part with leave to amend. No objections to the Report and Recommendation have been filed.

Having reviewed the matter de novo, the Court, for the reasons expressed by Magistrate Judge Spero, hereby ADOPTS the Report and Recommendation in its entirety, and the complaint is hereby DISMISSED as follows:

(1) Plaintiff’s claim under 42 U.S.C. § 1983 is dismissed with leave to amend to plead additional facts, if any, describing how the conduct of each of the defendants deprived plaintiff of his liberty interest without due process of law.

(2) Plaintiff’s claim under the Health Insurance Portability and Accountability Act (“HIPAA”) is dismissed without prejudice to pleading a state law claim based on the conduct alleged therein.

1 (3) Plaintiff's claim under the Indian Child Welfare Act ("ICWA") is dismissed with  
2 leave to amend to plead facts supporting a claim under said statute.

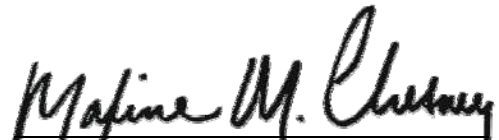
3 (4) Plaintiff's claim under Title 45 of the Federal Code of Regulations is dismissed  
4 without leave to amend.

5 (5) Given the dismissal of plaintiff's federal claims, plaintiff's state law claims are  
6 dismissed for lack of jurisdiction and may be alleged again if plaintiff elects to file a First  
7 Amended Complaint in accordance with the above or, if no such amended complaint is  
8 filed, may be brought in state court.

9 (6) Plaintiff's First Amended Complaint, if any, shall be filed no later than May 20,  
10 2015.

11 **IT IS SO ORDERED.**

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13 Dated: April 24, 2015

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15 MAXINE M. CHESNEY  
16 United States District Judge  
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