

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  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

AUSTIN DE TAGLE,  
Plaintiff,  
v.  
SUPERIOR COURT OF CALIFORNIA,  
Defendant.

Case No. 23-cv-05137-BLF

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE**

The Court has reviewed the Report and Recommendation (“R&R”) of Magistrate Judge Susan van Keulen, which granted Plaintiff Austin de Tagle’s application to proceed *in forma pauperis*, screened his complaint under 28 U.S.C. § 1915(e), and recommended dismissal of the complaint without leave to amend. ECF No. 5. No objections to the R&R have been filed and the deadline to object has lapsed. *See* Fed. R. Civ. P. 72(b)(2) (deadline for objections is fourteen days after being served). The R&R recommends dismissal with prejudice because Defendant Superior Court of California is entitled to Eleventh Amendment immunity. R&R at 3. The Court finds the R&R correct, well-reasoned, and thorough, and adopts it in every respect. Accordingly, the Court **DISMISSES** the complaint without leave to amend.

**IT IS SO ORDERED.**

Dated: November 9, 2023

  
\_\_\_\_\_  
BETH LABSON FREEMAN  
United States District Judge