




1 *is made, but not otherwise.” United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en  
2 banc) (“Neither the Constitution nor the statute requires a district judge to review, de novo, findings  
3 and recommendations that the parties themselves accept as correct.”).

4 The Court **ADOPTS** the Report and Recommendation in its entirety and **GRANTS** Defendant  
5 Petersen’s Motion to Dismiss Plaintiff’s claim for damages against her **WITHOUT LEAVE TO**  
6 **AMEND**. Count two of the Amended Complaint is **DISMISSED WITHOUT LEAVE TO**  
7 **AMEND**.

8 **IT IS SO ORDERED.**

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10 Dated: 9/15/09

  
11 Hon. Roger T. Benitez  
12 United States District Judge

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