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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ARDY CHADWICK,

vs.

SAN DIEGO POLICE DEPARTMENT,
HALL, DEPUTY JOHN DOE,

Defendants.

CASE NO. 09-CV-946 JLS (AJB)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION, AND
(2) GRANTING DEFENDANTS'
MOTION TO DISMISS**

(Doc. Nos. 2 & 21)

Presently before the Court are Defendants’ motion to dismiss, (Doc. No. 2) and Magistrate Judge Battaglia’s Report and Recommendation recommending that the Court grant Defendants’ motion. (Doc. No. 21.)

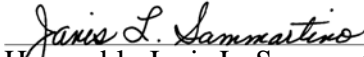
Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1) set forth the duties of a district court in connection with a magistrate judge’s report and recommendation. “The district court must make a *de novo* determination of those portions of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. 636(b)(1)(c); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989); *United States v. Raddatz*, 447 U.S. 667, 676 (1980). However, in the absence of timely objection, the Court need “only satisfy itself that there is no clear error on the face of the record.” Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

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In this case, Plaintiff has failed to timely file objections to Magistrate Judge Battaglia's R&R. Having reviewed the R&R, the Court finds that it is thorough, well reasoned, and no contains no clear error. Therefore, the Court **ADOPTS** the R&R in full. The Court therefore **GRANTS** Defendants' motion to dismiss and **DISMISSES** the complaint **WITHOUT PREJUDICE**. Plaintiff **MAY FILE** an amended complaint addressing the deficiencies discussed in the R&R **BY** April 5, 2010. If no amended complaint is filed by that time, the Clerk shall close the file.

IT IS SO ORDERED.

DATED: March 8, 2010



Honorable Janis L. Sammartino
United States District Judge