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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 ROBERT MCCULLOCK,

11 Plaintiff,

12 v.

13 ROBERT BROWN, et al.,

14 Defendant.

Case No.: 18-cv-548-WQH-JLB

ORDER

15 HAYES, Judge:

16 The matter before the Court is the Report and Recommendation issued by the United
17 States Magistrate Judge. (ECF No. 36).

18 **I. Background**

19 On October 19, 2018, Plaintiff filed the Motion to Strike Affirmative Defenses.
20 (ECF No. 27). On October 24, 2019, Defendants filed Opposition. (ECF No. 29). On
21 March 8, 2019, United States Magistrate Judge Jill L. Burkhardt issued the Report and
22 Recommendation, recommending that Plaintiff's Motion to Strike be denied. (ECF No.
23 36). On March 28, 2019, Plaintiff filed objections to the Report and Recommendation.
24 (ECF No. 40).

25 **II. Legal Standard**

26 The duties of the district court in connection with a report and recommendation of a
27 magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28 U.S.C. §
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1 636(b). The district judge must “make a de novo determination of those portions of the
2 report . . . to which objection is made,” and “may accept, reject, or modify, in whole or in
3 part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b).

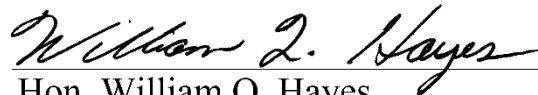
4 **III. Ruling of the Court**

5 The Court has reviewed the briefing and Plaintiff’s objections to the Report and
6 Recommendation. The Court finds that the Report and Recommendation correctly
7 determined that Plaintiff’s Motion to Strike Affirmative Defenses should be denied. The
8 Court adopts the Report and Recommendation in its entirety.

9 **IV. Conclusion**

10 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 36) is
11 adopted in its entirety and the Motion to Strike Affirmative Defenses (ECF No. 27) is
12 DENIED.

13 Dated: May 20, 2019

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15 Hon. William Q. Hayes
16 United States District Court
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