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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GARY RONNELL PERKINS,
12 Plaintiff,
13 v.
14 C. ANGULO; T. RAYBON; J. BERNAL,
15 Defendants.

Case No.: 18cv850 DMS (LL)

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

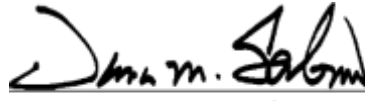
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17 This matter comes before the Court on Defendants' motion to dismiss. Plaintiff filed
18 an opposition to the motion, and Defendants filed a reply. Pursuant to 28 U.S.C. §
19 636(b)(1)(B) and Civil Local Rule 72.3, the motion was referred to a United States
20 Magistrate Judge for a Report and Recommendation ("Report"). On December 19, 2018,
21 Magistrate Judge Linda Lopez issued her Report, recommending that the Court grant
22 Defendants' motion with leave for Plaintiff to amend his First Amendment claim and his
23 equal protection claim. Plaintiff filed an objection to the Report. Defendants did not file
24 a reply.

25 This Court, having reviewed *de novo* the Magistrate Judge's Report, and Plaintiff's
26 objections thereto, adopts the Magistrate Judge's recommendation in full. Accordingly,
27 Defendants' motion to dismiss is granted. Plaintiff is granted to leave to file a First
28 Amended Complaint that cures the pleading deficiencies set out on his First Amendment

1 claim and his equal protection claim. Plaintiff's due process claim is dismissed without
2 leave to amend. Plaintiff is cautioned that if his First Amended Complaint does not cure
3 the pleading deficiencies, his claims will be dismissed with prejudice and without further
4 leave to amend. The First Amended Complaint shall be filed on or before **March 25, 2019**.

5 **IT IS SO ORDERED.**

6 Dated: February 25, 2019

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8 Hon. Dana M. Sabraw
9 United States District Judge
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