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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SEAN RODNEY ORTH, ) 3:06-cv-00481-LRH-RAM  
Plaintiff, )  
vs. ) ORDER  
DENNIS BALAAM, et al., )  
Defendants. )

The court has considered the report and recommendation of the United States Magistrate Judge (#112) filed on August 5, 2009. Before the court is Washoe County defendants' motion to dismiss (#53), the City of Reno defendants' motion to dismiss (#54) and motions to dismiss by defendants David Clifton (#71) and Tammy Riggs (#86). Plaintiff has opposed (#s 100, 101, and 102) and Defendants have replied (#s 104 and 105). The Magistrate Judge recommends the motions be granted in part and denied in part.

The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636

1 and applicable case law, and good cause appearing, the court hereby  
2 **ADOPTS AND ACCEPTS** the report and recommendation of the United  
3 States Magistrate Judge (#112). Therefore, defendants' motions to  
4 dismiss (#s 53,54,71 and 86) are granted in part and denied in part  
5 as follows:

6 1. The claims in Counts 1,2,4,5, and 6 are dismissed with  
7 prejudice;

8 2. Defendants Riggs, Clifton, and then City of Reno Police  
9 Department are dismissed from the lawsuit; and

10 3. The motions to dismiss Counts 3 and 7 through 10 are denied.

11 It is so **ORDERED**.

12 DATED: This 22nd day of September, 2009.

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14 UNITED STATES DISTRICT JUDGE

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