



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON SONNTAG,

Plaintiff,

v.

DENNIS BALAAM, THE SHERIFF OF
WASHOE COUNTY, WASHOE COUNTY
BOARD OF SUPERVISORS, DEPUTY
BARNES, BONNIE SHULER, DEPUTY
SHELDON, DEPUTY OBOS, DEPUTY
BAKER, DEPUTY PORTER, JUDGE
CONNIE STEINHEIMER, LIBRARIAN
COUNTY LAW LIBRARY,

Defendants.

3:07-CV-311-BES-VPC

ORDER

Before the Court is defendants' Motion to Dismiss (#33), defendant Honorable Judge Steinheimer's Motion to Dismiss (#24), defendants' Motion to Dismiss Plaintiff's Complaint for Declaratory Relief (#35) and plaintiff's Motion to Strike Defendants' Motion to Dismiss (#42). This action was referred to U.S. Magistrate Robert A. McQuaid, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted his Report and Recommendation (#55) on December 5, 2008, recommending that this Court grant in part and deny in part defendants' Motion to Dismiss Plaintiff's Amended Complaint, grant defendant Honorable Judge Steinheimer's Motion to Dismiss and defendants' Motion to Dismiss and deny plaintiff's Motion to Strike. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#56) on January 5, 2009 and defendants' Response (#59) was filed on January 12, 2009.

1 **I. ANALYSIS**

2 **A. Review of Magistrate Judge's Order**

3 Any party may object to a magistrate judge's case dispositive proposed order, findings,
4 or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district
5 court must make a *de novo* determination of those portions of the magistrate judge's report
6 to which objection is made and may accept, reject, or modify, in whole or in part, the findings
7 or recommendations made by the magistrate judge. *Id.* De novo review means the court must
8 consider the matter anew, the same as if it had not been heard before and as if no decision
9 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).
10 Thus, although the district court need not hold a de novo hearing, the court's obligation is to
11 arrive at its own independent conclusion about those portions of the magistrate judge's
12 findings or recommendation to which objections are made. United States v. Remsing, 874
13 F.2d 614, 617 (9th Cir. 1989).

14 After conducting a *de novo* review of the record, the Court accepts and adopts the
15 Magistrate Judge's recommendation (#55).

16 **III. CONCLUSION**

17 IT IS HEREBY ORDERED that defendant Steinheimer's Motion to Dismiss (#24) is
18 GRANTED.

19 IT IS HEREBY ORDERED that Washoe County defendants' Motion to Dismiss (#33)
20 is GRANTED as to Count I with prejudice and Count II without prejudice and DENIED as to
21 Count III. Defendants Spitzer, Gammick and the Washoe County Board of Supervisors are
22 DISMISSED from the complaint with prejudice.

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24 IT IS FURTHER ORDERED that Plaintiff may amend his complaint within thirty (30)
25 days from the date of entry of this Order restating Count II. In compliance with Rule 8, plaintiff
26 should include: "(1) the constitutional right that [Plaintiff] believes was violated; (2) the name
27 of the defendant[s] who violated the right; (3) exactly what the defendant did or failed to do;
28 (4) how the action or

1 inaction of the defendant[s] is connected to the violation of [Plaintiff]'s constitutional right; and
2 (5) what specific injury Plaintiff suffered because of the defendants['] conduct." Tucker v.
3 Stewart, 72 Fed.Appx. 597, 598 (9th Cir. 2003).

4 IT IS HEREBY ORDERED that Washoe County defendants' Motion to Dismiss
5 Plaintiff's Complaint (#35) for Declaratory Relief (#38) is GRANTED.

6 IT IS HEREBY ORDERED that plaintiff's Motion to Strike (#42) is DENIED.

7 The Clerk of the Court shall enter judgment accordingly.

8 IT IS SO ORDERED.

9 DATED: This 22nd day of January, 2009.

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UNITED STATES DISTRICT JUDGE