

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#69)
2 entered on January 26, 2010, is adopted and accepted, and

3 Defendants' Motion to Dismiss (#45) is granted with prejudice as to Plaintiff's Fourth
4 Amendment claim and all claims against Defendants in their official capacity for money damages; all
5 remaining claims are dismissed without prejudice with leave to amend.

6 IT IS SO ORDERED.

7 DATED this 30th day of March, 2010.



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10 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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