Burriola et al v. Baca et al Doc. 58

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA RENO, NEVADA

ANTHONY J. BURRIOLA, MARLA A. POLSON, Plaintiffs,) 3:08-CV-00149-ECR-RAM)
rainciris,) MINUTES OF THE COURT
VS.)
STATE OF NEVADA, et al.,) July 13, 2009)
Defendants.) _)
PRESENT: EDWARD C. REED, JR.	U. S. DISTRICT JUDGE
Deputy Clerk: COLLEEN LARSEN	Reporter: NONE APPEARING
Counsel for Plaintiff(s) NONE APPEARING	
Counsel for Defendant(s)NONE APPEARING	

MINUTE ORDER IN CHAMBERS

On May 7, 2008, the Magistrate Judge filed a Report and Recommendation (#52). On June 24, 2008, Plaintiff Anthony J. Burriola filed Objections (#56) to the Report and Recommendation (#52). The Objections (#56) are without merit.

IT IS, THEREFORE, HEREBY ORDERED that the Report and Recommendation (#52) of the Magistrate Judge is APPROVED and ADOPTED.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Dismissal
(#27) is GRANTED in part and DENIED in part as follows:

- Plaintiff Polson is **DISMISSED** from the complaint without prejudice.
- The Motion to Dismiss Counts 3, 6, and 9 based on the failure to exhaust administrative remedies is **GRANTED** without prejudice.
- The Motion to Dismiss the claims arising under NRS \$\$ 197.200 and 200.571 in Counts 1, 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under NRS \$ 200.575 in Counts 4, 5, and 7 is **GRANTED** with prejudice.

- The Motion to Dismiss the claims arising under NRS \$ 233B in Counts 1, 2, 4, 5, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claim arising under NRS \$ 200.2483 in Count 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under Article I, Sections 2 and 10 of the Nevada Constitution in Counts 1, 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Sixth Amendment of the U. S. Constitution in Counts 2, 4, 5, 7, and 8 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Eighth Amendment and Article I, Section 6, of the Nevada Constitution in Counts 1 and 2 is **GRANTED** with prejudice.
- The Motion to Dismiss the claims arising under the Fourteenth Amendment in Count 4 is **GRANTED** with prejudice.

Ву	/s/	
	Deputy Clerk	

LANCE S. WILSON, CLERK