

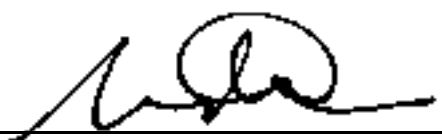
1 The Magistrate Judge recommended dismissing this action with
2 prejudice because Plaintiffs' allegations fail to state any plausible claim for
3 relief. Plaintiffs request that dismissal be without prejudice. The Court
4 agrees with the Magistrate Judge that the amended complaint fails to state
5 a claim. However, in light of Plaintiff's pro se status, the Court finds that
6 dismissal should be without prejudice even though Plaintiffs had been given
7 an opportunity to amend. The Court therefore adopts the Magistrate
8 Judge's Recommendation in part.

9 It is therefore ordered, adjudged and decreed that the Report and
10 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 10) be
11 accepted and adopted in part.

12 It is ordered that Plaintiffs' Amended Complaint (dkt. no. 8) is
13 dismissed without prejudice.

14 It is further ordered that Plaintiffs' Motion for Service of Summons by
15 United States Marshal (dkt. no. 9) is denied as moot.

16 DATED THIS 8th day of December 2014.

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20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
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