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3 **UNITED STATES DISTRICT COURT**4 **DISTRICT OF NEVADA**

5 TERRIA MCKNIGHT,

6 Plaintiff,

7 v.

8 UNITED STATES DEPARTMENT OF  
9 EDUCATION OFFICE OF CIVIL RIGHTS,

10 Defendant.

CASE NO.: 3:17-CV-00015-RCJ-WGC

**ORDER**

11 Before the Court is the Reports and Recommendations of U.S. Magistrate Judge (ECF No. 3<sup>1</sup>)  
12 entered on February 13, 2017, recommending that the Court dismiss in part with leave to amend certain  
13 counts of the complaint. On February 24, 2017 Plaintiff filed an Amended Complaint (ECF No. 4) in  
14 response to the Report and Recommendations.

15 The Court has conducted its *de novo* review in this case, has fully considered the objections of  
16 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant  
17 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's  
18 Reports and Recommendation (ECF No. 3) entered on February 13, 2017, should be ADOPTED AND  
19 ACCEPTED.

20 IT IS HEREBY ORDERED that Plaintiff's IFP application (ECF No. 1) is GRANTED. The  
21 Clerk of the Court shall file the Complaint (ECF No. 1-1).

22 IT IS FURTHER ORDERED that Plaintiff's request for damages against OCR under Section 504  
23 Rehabilitation Act is STRICKEN from the Complaint.

24 IT IS FURTHER ORDERED that Count 1 of the Complaint is DISMISSED with leave to amend  
25 to assert a claim under Section 504 of the Rehabilitation Act for injunctive relief that is supported by  
26 factual allegations.

27 IT IS FURTHER ORDERED that Counts 2 and 3 are DISMISSED with leave to amend to  
28 attempt to assert claims against OCR under Section 504 of the Rehabilitation Act for injunctive relief  
that are supported by factual allegations.

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<sup>1</sup>Refers to court's docket number.

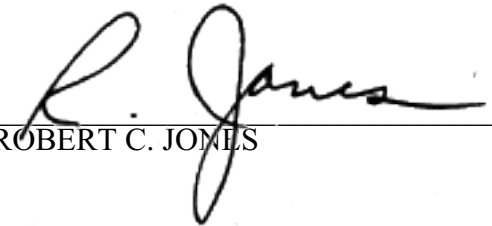
1 IT IS FURTHER ORDERED that Count 4 is DISMISSED WITH PREJUDICE as to OCR, with  
2 leave to amend to assert an ADA claim against a viable public entity defendant, but any amendment in  
3 this regard should include factual allegations supporting the elements of a Title II ADA claim as set forth  
4 in the Report and Recommendations (ECF No. 3).

5 IT IS FURTHER ORDERED that Plaintiff is permitted to PROCEED with Count 5.

6 IT IS FURTHER ORDERED that Count 6 is DISMISSED WITH PREJUDICE as to OCR, with  
7 leave to amend to assert this claim against a viable defendant.

8 IT IS FURTHER ORDERED that Count 7 is DISMISSED WITH PREJUDICE as to OCR, with  
9 leave to amend to assert a claim under the IDEA against a viable defendant.

10 IT IS SO ORDERED this 12<sup>th</sup> day of April, 2017.

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14 ROBERT C. JONES  
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