

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

**JONELL GRAINGER, as personal
representative of the ESTATE OF
JOSHUA TODD FISCHER,**

Plaintiff,

No. 1:18-cv-01093-CL

v.

ORDER

**JOHN ENSLEY; ROBIN KATTER;
DYLAN ROBERTS; CURRY COUNTY;
JOHN WARD,**

Defendants.

McSHANE, District Judge.

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, ECF No. 37, concerning Defendants Robin Katter and Dylan Roberts's Motion to Dismiss, ECF No. 21. Plaintiff has filed Objections to the Report and Recommendation, ECF No. 43, Defendants Katter and Roberts have filed a Response to Plaintiff's Objections, ECF No. 46, and the matter is now before this Court. The Court has reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court has given this matter *de novo* review and finds no error. Accordingly, the Court ADOPTS the Report and Recommendation. Defendants Katter and Roberts's Motion to Dismiss is GRANTED in part and DENIED in part as set forth in the Report and Recommendation. Plaintiff's first claim, for deprivation of a procedural due process liberty interest in violation of the Fourteenth Amendment, is dismissed with prejudice. Plaintiff is granted leave to file an amended complaint within thirty (30) days of the date of this Order to properly specify the amount in damages sought against the individual defendants named in the Complaint.

It is so ORDERED and DATED this 6th day of May, 2019.

s/Michael J. McShane
MICHAEL McSHANE
United States District Judge