

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GM (Minor) by and through his guardian
ad litem, LYNN MASON

Case No. 6:16-cv-01739-JR

Plaintiff,

ORDER

v.

LINCOLN COUNTY SCHOOL DISTRICT,
NICK LUPO, Principal, in his official and
individual capacities, SUSAN VAN LIEW,
Elementary Education Director, in her
Official and individual capacities, KALEE
ADAMS, Teacher, in her official and
individual capacities, LEAH STILES,
ANNETTE ICENOGLE, and JESSICA
UMBACK, Paraprofessionals, in their
Official and individual capacities

Defendants.

MCSHANE, Judge:

Magistrate Judge Jolie A. Russo filed a Findings and Recommendation (ECF No. 31), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Defendant filed objections to the Findings and Recommendation. Accordingly, I have reviewed

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the file of this case *de novo*. See 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). I conclude the report is correct.

I adopt the Findings and Recommendation (ECF No. 31). Defendants' motion to dismiss, ECF No. 13, is GRANTED to the extent plaintiff's Rehabilitation Act and ADA claims are brought against Defendants in their individual capacity or pursuant to 42 U.S.C. § 1983. Defendants' motion to dismiss is DENIED in all other respects. Plaintiff's motion to amend (ECF No. 20) is DENIED as to plaintiff's 42 U.S.C. § 1983 claim against Lincoln County School District, restraint and seclusion claim under ORS § 339.288, and Rehabilitation Act and ADA claims based on individual liability and/or asserted under 42 U.S.C. § 1983. Plaintiff's motion to amend is GRANTED in all other respects.

IT IS SO ORDERED.

DATED this 28th day of June, 2017.

/s/ Michael J. McShane

Michael J. McShane
United States District Judge