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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JAMA A. HALL,

11 Plaintiff,

No. CIV S-10-1152 JAM EFB PS

12 vs.

13 PLACER COUNTY SHERIFF'S
14 DEPARTMENT; PLACER COUNTY
15 SHERIFF'S COUNCIL; OFFICER
ZENDER, BADGE NO. 177;
and DOES 1-50,

16 Defendants.

ORDER

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18 On November 30, 2011, the magistrate judge filed findings and recommendations
19 herein which were served on the parties and which contained notice that any objections to the
20 findings and recommendations were to be filed within fourteen days. No objections were filed.

21 The court has reviewed the applicable legal standards and, good cause appearing,
22 concludes that it is appropriate to adopt the proposed Findings and Recommendations in full.

23 Accordingly, IT IS ORDERED that:

24 1. The proposed Findings and Recommendations filed November 30, 2011, are
25 ADOPTED;

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2. The Sheriff's Department and Zender's motion to dismiss, Dckt. No. 37-1, is granted in part and denied in part, as follows:

a. Zender's motion to dismiss plaintiff's § 1983 Fourth Amendment individual liability claims against him is denied;

b. The Sheriff's Department's motion to dismiss plaintiff's § 1983 Fourth Amendment claims against it is granted, and plaintiff's § 1983 municipal liability claims are dismissed with leave to amend;

c. The Sheriff's Department and Zender's motion to dismiss plaintiff's conspiracy claim is granted with leave to amend;

d. The Sheriff's Department and Zender's motion to dismiss plaintiff's racial profiling claim is granted without leave to amend; and

e. The Sheriff's Department and Zender's motion to dismiss plaintiff's remaining state law claims under 28 U.S.C. § 1367 is denied.

3. The parties are instructed as follows:

a. If plaintiff seeks to amend his complaint to attempt to state a claim for municipal liability under § 1983 and/or to attempt to state a claim for conspiracy, as provided herein, any such amended complaint shall be filed within thirty days of this order and shall be labeled “Fourth Amended Complaint.”

b. If plaintiff elects to file a fourth amended complaint, the Sheriff's Department and Zender shall file a response thereto within fourteen days from the date such complaint is filed, and if plaintiff does not elect to file a fourth amended complaint, they shall file an answer to the third amended complaint within fourteen days from the date plaintiff's deadline for filing a fourth amended complaint expires.

DATED: February 23, 2012

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE