

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHARLES NICHOLS,)	NO. CV 11-09916 SJO (SS)
)	
Plaintiff,)	
)	ORDER ACCEPTING FINDINGS,
v.)	
)	CONCLUSIONS AND RECOMMENDATIONS
EDMUND G. BROWN, in his official)	
capacity as Governor of)	OF UNITED STATES MAGISTRATE JUDGE
California, et al.,)	
)	
Defendants.)	
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint in the above-captioned matter, Plaintiff's Motion for Review of Magistrate Judge's Report and Recommendation, which the Court construes as Objections, Plaintiff's Notice of Errata, the Response of Defendants Gov. Edmund G. Brown, Jr. and Atty. Gen. Kamala D. Harris to Plaintiff's Objections, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. After having made a de novo determination of the portions of the Report and Recommendation to which Objections were directed, the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, excluding the citation to Oklevueha Native American Church of Hawai'i,

1 Inc. v. Holder, 719 F. Supp. 2d 1217 (D. Hawaii 2010) on page 15, lines
2 15-23.

3
4 Accordingly, IT IS ORDERED THAT:
5

6 1. Plaintiff's claims against Attorney General Kamala D. Harris
7 are DISMISSED WITH LEAVE TO AMEND for lack of subject matter
8 jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).
9

10 2. Plaintiff's claims against Governor Edmund G. Brown, Jr. are
11 DISMISSED WITH PREJUDICE for lack of subject matter jurisdiction
12 pursuant to Rule 12(b)(1) and the Eleventh Amendment.
13

14 3. Plaintiff's claims against the City of Redondo Beach and City
15 of Redondo Beach Police Chief Leonardi are DISMISSED WITH LEAVE TO AMEND
16 for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) and
17 for failure to state a claim pursuant to Rule 12(b)(6).
18

19 4. Plaintiff's claims against City of Redondo Beach Police
20 Department are DISMISSED WITH PREJUDICE for lack of subject matter
21 jurisdiction pursuant to Rule 12(b)(1) and for failure to state a claim
22 pursuant to Rule 12(b)(6).
23

24 5. Plaintiff's Seventh Claim for Relief alleging a violation of
25 state constitutional law is DISMISSED WITH PREJUDICE pursuant to the
26 Eleventh Amendment.
27
28

6. If Plaintiff desires to proceed with his claims against Attorney General Harris, City of Redondo Beach, and Police Chief Leonardi, Plaintiff shall file a First Amended Complaint within thirty (30) days of the date of this Order.

The Clerk shall serve copies of this Order by United States mail on Plaintiff and on counsel for Defendants.

DATED: May 7, 2012.

5. James Otis

S. JAMES OTERO
UNITED STATES DISTRICT JUDGE