UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ESTATES OF DEREK VALENTINE, et al., Plaintiffs, v. COUNTY OF MERCED, et al., Defendants.	Case No. 1:23-cv-01697 JLT SAB ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING MOTION TO DISMISS (Docs. 74, 89)

On January 16, 2026, Plaintiffs filed their second amended complaint. (Doc. 66.) Defendants County of Merced, Merced County Sheriff's Office, Vernon Warnke, Joel Pena, Emanuel Gutierrez, Biance Guzman, Diane Rentfrow, and George Sziraki (the "County Defendants") move again to dismiss several claims under Federal Rule of Civil Procedure 12(b)(6). (Doc. 74.) The Court referred the motion to the magistrate judge. (Doc. 82.)

The assigned magistrate judge issued findings and recommendations to grant the motion without further leave to amend. (Doc. 89.) The findings and recommendations were served on the parties and contained notice that any objections due within fourteen days. (*Id.* at 30.) Plaintiffs filed objections (Doc. 90), and the County Defendants filed a response (Doc. 91).

The Court has reviewed the matter de novo under 28 U.S.C. § 636(b). The Findings and Recommendations are supported by the record and by proper analysis. Although the plaintiffs'

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amendments added information about the events behind their claims, these additions do not correct the shortcomings previously identified.

The Court therefore **ORDERS** that the findings and recommendations (Doc. 89) are **ADOPTED IN FULL**. The motion to dismiss (Doc. 74) is **GRANTED** without further leave to amend, and the matter is referred again to the assigned magistrate judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: September 21, 2026

UNITED STATES DISTRICT JUDGE