IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LINDSEY SHAW, Plaintiff, v. CITY OF PORTOLA, et al., Defendants.	No. 2:25-cv-2461-DJC-ICD ORDER

Plaintiff, who is proceeding pro se, brings this civil action. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 21, 2026, the Magistrate Judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed August 21, 2026, ECF No. 45, are adopted in full.

2. Defendants' motion to dismiss, ECF No. 36, is granted in part and denied in part as follows:

   a. Defendants' motion to dismiss be granted as to Plaintiff's first claim for anonymous civic participation and that such claim be dismissed with prejudice.

   b. Defendants' motion to dismiss be granted as to Plaintiff's second

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claim for retaliation and that such claim be dismissed with leave to amend.

c. Defendants' motion to dismiss be granted as to Plaintiff's third claim for warrantless digital surveillance and that such claim be dismissed with prejudice.

d. Defendants' motion to dismiss be granted as to Plaintiff's fifth claim for denial of equal protection and that such claim be dismissed with prejudice.

e. Defendants' motion to dismiss be granted as to Plaintiff's seventh claim for violation of a right to record public meetings and that such claim be dismissed with prejudice.

f. Defendants' motion to dismiss be denied as to Plaintiff's remaining federal claims alleging municipal liability and conspiracy, which hinge on the existence of an underlying constitutional tort, such denial to be without prejudice to renewal upon the filing of a further amended complaint as to Plaintiff's retaliation claim.

g. Defendants' motion to dismiss be granted insofar as the Court finds that consideration of Plaintiff's state law claims should be deferred until such time as Plaintiff is able to state a cognizable federal claim for retaliation.

3. Plaintiff shall file a second amended complaint within 30 days of the date of this order.

4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: **September 17, 2026**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE