

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Jideofor Ajaelo v. R. Estrada, et al.

Ajaelo · No. 24-cv-2472-AJB-MMP · Decided February 2, 2026

SUMMARY

The United States District Court for the Southern District of California adopted a magistrate judge’s Report and Recommendation concerning defendants’ motion to dismiss. The court denied dismissal of the plaintiff’s First Amendment retaliation claim against Defendant Alonzo, granted dismissal as to Defendant Estrada with leave to amend, and set deadlines for an amended complaint and responsive pleading.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JIDEOFOR AJAELO, Case No.: 24-cv-2472-AJB-MMP 12 ORDER:
Plaintiff, 13 (1) ADOPTING THE REPORT AND v. 14 RECOMMENDATION (Doc. No. 16); R.
ESTRADA, et al., 15 (2) DENYING MOTION TO DISMISS 16 Defendants. AS TO
DEFENDANT ALONZO (Doc. No. 10); 17 18 (3) GRANTING MOTION TO DISMISS AS TO
DEFENDANT 19 ESTRADA (Doc.

No. 10) 20 21 Before the Court is Defendants R. Estrada and Mario Alonzo’s Motion to Dismiss.
22 (Doc. No. 10.) The Court referred this matter to Magistrate Judge Michelle M. Pettit for a 23
Report and Recommendation (the “R&R”), which was issued on January 9, 2026. (Doc. 24 No.
16.)

The Magistrate Judge recommends that Defendants’ motion to dismiss be granted 25 in part and
denied in part. (Id. at 1.) The parties were instructed to file written objections 26 to the R&R by
January 26, 2026, and replies by no later than fourteen days after being 27 served with written
objections. (Id. at 14.) 28 1 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set
forth a district 2 ||judge’s duties in connection with a magistrate judge’s R&R.

The district judge must “make 3 ||a de novo determination of those portions of the report... to
which objection is made[.]” 4 || and “may accept, reject, or modify, in whole or in part, the
findings or recommendations 5 ||made by the magistrate judge.” 28 U.S.C. § 636(b)(1); United
States v. Remsing, 874 F.2d 6 ||614, 617 (9th Cir. 1989).

However, in the absence of objection(s), the Court “need only 7 || satisfy itself that there is no
clear error on the face of the record in order to accept the 8 recommendation.” Fed. R. Civ. P.

72(b) advisory committee note to the 1983 amendment; 9 || United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). 10 Neither party has filed objections to the R&R.

Thus, having reviewed the R&R, the 11 || Court finds it thorough, well-reasoned, and contains no clear error. Accordingly, the Court 12 || hereby: 13 (1) ADOPTS the R&R in its entirety; 14 (2) DENIES Defendants' motion to dismiss Plaintiff's First Amendment 15 || retaliation claim as to Defendant Alonzo; 16 (3) GRANTS Defendants' motion to dismiss Plaintiffs First Amendment 17 retaliation claim as to Defendant Estrada WITH LEAVE TO AMEND; 18 (4) Plaintiff may file an Amended Complaint consistent with the Magistrate 19 || Judge's R&R by no later than April 3, 2026.

20 (5) Defendants must file a responsive pleading to the operative complaint by no 21 || later than May 4, 2026. 22 IT IS SO ORDERED. 23 || Dated: February 2, 2026 © 24 Hon, Anthony J.Battaglia 25 United States District Judge 26 27 28