

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

OPINION

Ajaelo

PER CURIAM.

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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