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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL REED DORROUGH,

Plaintiff,

v.

F. GONZALES, et al.,

Defendants.

CASE NO. 1:08-cv-00634-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. 21)

Plaintiff Michael Reed Dorrough (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 14, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on November 2, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. In the Objection, Plaintiff contends that he believed this court would retain jurisdiction to enforce the terms of a settlement agreement reached in Dorrough v. Small, et al., 1:89-CV-827 OWW JFM (PC). To the extent Plaintiff seeks to have this settlement agreement enforced, Plaintiff’s remedy is to file a motion to enforce the settlement agreement in Dorrough v. Small, et al., 1:89-CV-827 OWW

1 JFM (PC) and not file a new action.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed October 14, 2009, is adopted in full;
- 4 2. This action proceed against Defendants Gonzales, Carrasco, and McLaughlin for
5 retaliation in violation of the First Amendment; and
- 6 3. Plaintiff's claims for violation of due process and violation of state law are
7 dismissed for failure to state a claim.

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10 IT IS SO ORDERED.

11 **Dated: March 31, 2010**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE