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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

J. DOE,	CASE NO. 1:08-cv-01219-LJO DLB PC
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMS AND DEFENDANTS
v.	
YATES, et al.,	(Docs. 54, 55)
Defendants.	

\_\_\_\_\_ /

Plaintiff J. Doe<sup>1</sup> (“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 November 16, 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 16, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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.

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<sup>1</sup> J. Doe is a fictitious name.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The [Findings and Recommendations](#), filed November 16, 2009, is adopted in full;
- 3 2. This action proceed on Plaintiff's [second amended complaint](#), filed October 15, 2009,
- 4 against (1) defendants K. Scott, J. D. Bennett, S. Gonzales, J. Melendez, Griffin, W.
- 5 Brumbaugh, John Doe 2, John Doe 3, H. Martinez, and S. Kern for failure to protect
- 6 in violation of the Eighth Amendment; (2) defendants B. Diaz, P. Soares, E. Wolford,
- 7 D. J. Hatten, J. Yates, N. Green, and D. Huckabay for retaliation in violation of the
- 8 First Amendment; and (3) defendants Cate and Yates for violation of the Equal
- 9 Protection Clause of the Fourteenth Amendment;
- 10 2. All other claims are dismissed from this action for failure to state a claim upon which
- 11 relief may be granted;
- 12 3. Defendants Schwarzenegger, CDCR, Tilton, Mukasey, G. Clark, M. Wilson, M.
- 13 Dever, A. Rangal, John Doe 4, J. Hernandez, A. Aguilar, J. Herrera, C. Hudson-
- 14 Huckabay, C. Huckabay, and D. Stone are dismissed from this action for failure to
- 15 state a claim upon which relief may be granted; and
- 16 4. Defendants Yates and K. Scott are granted thirty (30) days from the date of service
- 17 of this order in which to file their response to the second amended complaint.

18 IT IS SO ORDERED.

19 **Dated: January 13, 2010**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**