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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH ROSS,		CASE NO. 1:09-cv-063 AWI SKO (PC)
Plaintiff,		ORDER ADOPTING FINDINGS AND
v.		RECOMMENDATIONS, DISMISSING
		CERTAIN CLAIMS, AND GRANTING
A. HEDGEPEETH, et al.,		PLAINTIFF LEAVE TO FILE AN AMENDED
Defendants.		COMPLAINT AS LIMITED HEREIN
		(Docs. 1 and 7)
		THIRTY-DAY DEADLINE

Plaintiff Keith Ross, a state prisoner proceeding pro se and in forma pauperis, filed this civil action on January 12, 2009. 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 January 26, 2011, the Magistrate Judge screened Plaintiff’s complaint and recommended dismissal of certain claims without leave to amend and dismissal of other claims with leave to amend. 28 U.S.C. § 1915A. Plaintiff’s objection filed on February 25, 2011, was stricken from the record for lack of signature by order filed March 2, 2011, and Plaintiff was granted a thirty-day extension of time to file a signed objection. More than thirty days have passed and Plaintiff has not renewed his objection.

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

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Court adopts the findings and recommendations filed on January 26, 2011, in
3 full;
- 4 2. Plaintiff's RICO claim is dismissed from the action, with prejudice, for failure to
5 state a claim;
- 6 3. Plaintiff's claim for denial of access to the courts is dismissed from the action,
7 without prejudice but without leave to amend;
- 8 4. Plaintiff's free exercise and RLUIPA claims against Defendant Flores, Plaintiff's
9 Establishment Clause claim, and Plaintiff's equal protection claim are dismissed,
10 without prejudice, for failure to state a claim;
- 11 5. Within **thirty (30) days** from the date of service of this order, Plaintiff may file an
12 amended complaint, limited to curing the deficiencies in his free exercise, RLUIPA,
13 Establishment Clause, and equal protection claims;
- 14 6. If Plaintiff does not file an amended complaint within thirty days, this action will
15 proceed on his original complaint against Defendant Hedgpeth on his First
16 Amendment free exercise and RLUIPA claims; and
- 17 7. If Plaintiff files an amended complaint that fails to comply with the restrictions set
18 forth in this order, the amended complaint will be stricken in whole or in part as
19 deemed appropriate by the Court.

20
21 IT IS SO ORDERED.

22 Dated: June 9, 2011

23 
24 CHIEF UNITED STATES DISTRICT JUDGE