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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE AVINA,

Plaintiff,

v.

J. CRONJAGAR, et al.,

Defendants.

CASE NO. 1:09-cv-00343-LJO-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Docs. 14, 17)

Plaintiff Jose Avina (“plaintiff”) is a California 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 May 14, 2010, 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 June 11, 2010.

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.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed May 14, 2010, is adopted in full;
2. This action proceed on Plaintiff’s [first amended complaint](#), filed October 29, 2009, against Defendants Cronjager, Lunes, Ruff, Roman, and Fischer for violation of the Due Process Clause of the Fourteenth Amendment and against Defendants Cronjager

1 and Lunes for retaliation in violation of the First Amendment; and

2 3. Defendants Dotson, Fields, Castillo, Ortiz, the Director of CDCR Doe 1, Lopez,
3 Moore, Garcia, Recorder Doe 2, and Does 3 to 6 are dismissed from this action for
4 failure to state a claim upon which relief may be granted.

5
6 IT IS SO ORDERED.

7 **Dated:** June 16, 2010

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