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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRANCIS W. DAVIS,

Plaintiff,

v.

T. VILLAGRANA, et al.,

Defendants.

CASE NO. 1:09-cv-01897-AWI-SKO PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND PARTIES,
AND REFERRING ACTION BACK TO
MAGISTRATE JUDGE FOR FURTHER
PROCEEDINGS

(Docs. 1 and 11)

Plaintiff Francis W. Davis, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 29, 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 February 1, 2011, a [Findings and Recommendations](#) was filed in which the Magistrate Judge screened Plaintiff’s Complaint and recommended dismissal of Plaintiff’s due process claim, Plaintiff’s equal protection claim, and Defendants Dunn and Roehlk. 28 U.S.C. § 1915A. Plaintiff filed a timely [Objection](#) on February 25, 2011.

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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Court adopts the Findings and Recommendations filed on February 1, 2011;

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- 2. This action shall proceed on Plaintiff's Complaint against Defendant Villagrana for retaliation, in violation of the First Amendment;
- 3. Plaintiff's due process and equal protection claims are dismissed, with prejudice, for failure to state a claim upon which relief may be granted;
- 4. Defendants Dunn and Roehlk are dismissed from this action; and
- 5. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 20, 2011



CHIEF UNITED STATES DISTRICT JUDGE