UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KHAALIQ BINNS, Plaintiff, v. D. ASUNCION, et al., Defendants.	Case No. 2:16-cv-05481-DSF (SHK) **ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed Plaintiff's Second Amended Complaint ("SAC"), Defendants' Motion to Dismiss ("MTD"), the relevant records on file, and the Amended Report and Recommendation of the United States Magistrate Judge ("Amended R&R"), issued on May 20, 2020. Electronic Case Filing Number ("ECF No.") 76, Amended R&R. Objections to the Amended R&R were due on June 9, 2020. ECF No. 77, Notice of Filing Amended R&R. No objections have been filed.

Therefore, the Court accepts the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that:

(1) The Amended R&R is ACCEPTED;

(2) Defendants' MTD is GRANTED in part and DENIED in part as follows:

(a) Insofar as Defendants moved to dismiss Plaintiff's claims against Defendant Warden D. Asuncion, Defendants' MTD is GRANTED;

(b) Insofar as Defendants moved to dismiss Plaintiff's Eighth Amendment claim, and to strike Plaintiff's punitive damages claim, Defendants' MTD is DENIED; and

(c) Insofar as Defendants moved to dismiss Plaintiff's SAC based on qualified immunity, Defendants' MTD is DENIED, without prejudice.

DATED: July 20, 2020

Honorable Dale S. Fischer
UNITED STATES DISTRICT JUDGE