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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALLEN LYNN JEFFRIES,

Plaintiff,

v.

A.H. MARTINEZ, *et al.*,

Defendants.

Case No. 2:16-cv-07673-CAS (MAA)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Fourth Amended Complaint, the other records on file herein, the Report and Recommendation of the United States Magistrate Judge, and Plaintiff's Objections. After conducting a *de novo* review of the portions of the Report and Recommendation to which Objections were directed, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge.

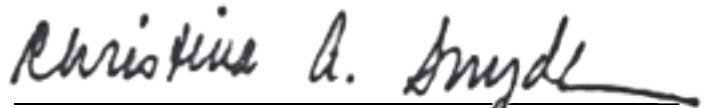
IT THEREFORE IS ORDERED that:

1. The Report and Recommendation of the Magistrate Judge is ACCEPTED and ADOPTED;
2. Plaintiff's Fourth Amended Complaint is DISMISSED WITH PREJUDICE and WITHOUT LEAVE TO AMEND with respect to:

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- a. all of Plaintiff's claims against Defendants (i) Correctional Officer N. Murray, (ii) Supervising Cook M. Douglass, (iii) Correctional Officer K. Harris, (iv) Correctional Officer G. Davis, (v) Lieutenant A. Lugo, (vi) Lieutenant J. Sebok, and (viii) Warden Debbie Asuncion;
 - b. Plaintiff's Eighth Amendment claim against Defendant Varela; and
 - c. Plaintiff's Fourteenth Amendment claim against Defendant Varela alleging insufficient evidence supporting the disciplinary decision.
3. Plaintiff's Fourth Amended Complaint will PROCEED against Defendant Varela with respect to Plaintiff's Fourteenth Amendment due process claim for denying Plaintiff's request for witnesses at his disciplinary hearing.

DATED: March 4, 2019


CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE