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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FREDERICK LEE JACKSON,

Plaintiff,

v.

FELECIA HODGE, et al.

Defendants.

Case No. CV 15-01169 PSG (RAO)

ORDER ACCEPTING REPORT
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, all of the other records and files herein, and the Report and Recommendation of United States Magistrate Judge ("Report"). Further, the Court engaged in a *de novo* review of those portions of the Report to which Plaintiff objected. The Court hereby accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

Plaintiff raises three main arguments: (1) the Report applies the wrong legal standard; (2) the Report fails to acknowledge that Plaintiff's claims are inextricably connected; and (3) the Report fails to analyze Plaintiff's original claims under the Eighth Amendment. Contrary to Plaintiff's assertion, the Report not only analyzes

1 Plaintiff's allegations under the Eighth Amendment but also takes the applicable
2 legal standard from the very case cited by Plaintiff, *Farmer v. Brennan*. (See Dkt.
3 No. 22 at 16.) Plaintiff's contention that his claims must be construed as
4 inextricably connected is not well founded, as the Report analyzed Plaintiff's
5 allegations under various possible legal frameworks, including several that
6 Plaintiff himself did not explicitly raise. That Plaintiff raises multiple claims
7 concerning the same factual allegations does not alter the manner in which the
8 appropriate legal standards for each claim must be applied. Finally, with respect to
9 Plaintiff's objection regarding his original claims, the Court notes that the Report
10 properly analyzes the claims of the operative pleading, including under the Eighth
11 Amendment. Accordingly, the Court is not persuaded by Plaintiff's objections.

12 IT IS ORDERED that Plaintiff's First Amended Complaint (Dkt. No. 8) is
13 dismissed without leave to amend and with prejudice.

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DATED: 6/28/17



PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE