UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLARENCE HOWARD,

Plaintiff,

v.

GRADTILLO, et al.,

Defendants.

/

CASE NO. 1:05-cv-00906-AWI-SKO PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

ORDER DISMISSING DUE PROCESS AND EQUAL PROTECTION CLAIMS AND DISMISSING DEFENDANTS CALDERON AND GRADILLO (Doc. 26)

Plaintiff Clarence Howard ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis 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 April 15, 2010, the Magistrate Judge issued a Findings and Recommendations which recommended that Plaintiff's due process claims and equal protections claims be dismissed and that Plaintiff's Eighth Amendment claims against Defendants Calderon and Gradillo be dismissed. The Findings and Recommendations were served on Plaintiff and contained notice to Plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days of date on which they were served. Plaintiff has not filed objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, 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, the Court HEREBY ORDERS that:

1. The April 15, 2010 Findings and Recommendations are ADOPTED in full;

2. Plaintiff's due process claims and equal protection claims are DISMISSED, and Plaintiff's Eighth Amendment claims against Defendants Calderon and Gradillo are DISMISSED;

3. Defendants Calderon and Gradillo are DISMISSED from this action; and

4. This action is REFERRED to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 14, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE