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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY K'NAPP,

1:06-cv-01701-LJO-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 23)

vs.

D. G. ADAMS, et al.,

ORDER DISMISSING CERTAIN CLAIMS
AND CERTAIN DEFENDANTS

Defendants.

_____ /

Eric Charles Rodney K'napp ("plaintiff") is a state prisoner proceeding pro se 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 72-302.

On May 7, 2009, [findings and recommendations](#) were entered, recommending that this action proceed on Plaintiff's Second Amended Complaint,¹ filed November 13, 2008, against Defendants Pugliese, Smith, Motty, Gurrero, Meaders, Johnson, Adams, Cuevas, Tucker, Sherman, Selvy, and Does 1-5 for retaliating against Plaintiff, and Defendants Motty, Pugliese, Smith, Guerrero, Cooper, Garcia, Hall, and Does 1-5 for interfering with his right to send mail in violation

¹On page 24, the findings and recommendations inadvertently refers to the *First* Amended Complaint instead of the *Second* Amended Complaint. (Doc. 23 at 24, line 1). This case now proceeds on the *Second* Amended Complaint, filed November 13, 2008. (Doc. 16.) Fed. R. Civ. P. 60(a).

1 of the First Amendment, and that all remaining claims be dismissed for failure to state a claim upon
2 which relief may be granted. (Doc. 23.) On July 30, 2009, Plaintiff filed [objections](#) to the findings
3 and recommendations. (Doc. 28.)

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-
5 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire
6 file, the court finds the findings and recommendations to be supported by the record and proper
7 analysis.

8 Accordingly, THE COURT HEREBY ORDERS that:

- 9 1. The Findings and Recommendations issued by the Magistrate Judge on May
10 7, 2009, are adopted in full;
- 11 2. This action now proceeds on Plaintiff's Second Amended Complaint, filed
12 November 13, 2008, against Defendants Pugliese, Smith, Motty, Gurrero,
13 Meaders, Johnson, Adams, Cuevas, Tucker, Sherman, Selvy, and Does 1-5 for
14 retaliating against Plaintiff, and Defendants Motty, Pugliese, Smith, Guerrero,
15 Cooper, Garcia, Hall, and Does 1-5 for interfering with his right to send mail
16 in violation of the First Amendment;
- 17 3. All of Plaintiff's claims, other than as found cognizable immediately above,
18 are dismissed for failure to state a claim upon which relief may be granted;
19 and
- 20 4. Defendants Woodford, Tilton, Burleson, Cate, Clark, Domen, Esparza,
21 Foulks, Grannis, Hense, Henson, Larios, McCant, Murberger, Odle, Ortiz,
22 Rollins, Surges, Wan, and Does 6-10 are dismissed from this action based on
23 Plaintiff's failure to state any claims upon which relief may be granted against
24 them.

25 IT IS SO ORDERED.

26 **Dated: August 14, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE