



1 Christine Jones proceeded in case 1:08-cv-01383-LJO-GBC. The Court ordered each  
2 Plaintiff to file amended complaints in the separated cases.

3 On October 20, 2008, objections to the Court's Severance Order were filed. (ECF  
4 No. 16.) On November 7, 2008, the Court issued an Order addressing the objections and  
5 affirming the Severance Order. (ECF No. 18.) Then, on September 2, 2009, the Court  
6 consolidated the two cases because each involved the same defendants, incident, and  
7 allegations. (ECF No. 20.) However, due to the parties' actions, the Court again severed  
8 the Co-Plaintiffs' claims on January 31, 2011 with only Plaintiff proceeding in the above  
9 captioned case. (ECF No. 38.)

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11 The Court dismissed Plaintiff's Fourth Amended Complaint with leave to amend for  
12 failure to state any cognizable claims. (Id.) Plaintiff filed a Fifth Amended Complaint on  
13 February 25, 2011. (ECF No. 39.) On March 11, 2011, the Magistrate Judge  
14 recommended dismissal of certain claims and Defendants, with prejudice for, again, failing  
15 to state a cognizable claim. (ECF No. 40.) In response, Plaintiff filed Objections to  
16 Magistrate Judge Recommendations. (ECF No. 43.)

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18 The matter was referred to a United State Magistrate Judge pursuant to 28 U.S.C.  
19 § 636(b)(1)(B) and Local Rule 302. On March 11, 2011, the Magistrate Judge filed a  
20 Findings and Recommendations recommending that Plaintiff proceed on the First  
21 Amendment Retaliation Claim against Defendant Couch, and recommending dismissal of  
22 all other claims and Defendants found to be not cognizable. (ECF No. 40.) In the  
23 Objections, Plaintiff states that he "will make this Objection by showing abusive conduct  
24 by Officers Couch and the to unknown" and objects to all other parties being dismissed.  
25 (ECF No. 43, p. 3.)  
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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has  
2 conducted a de novo review of this case. Having carefully reviewed the entire file, the  
3 Court finds the Findings and Recommendations to be supported by the record and by  
4 proper analysis.  
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6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed March 11, 2011, is ADOPTED;
- 8 2. Plaintiff is to proceed on his First Amendment Retaliation Claim against  
9 Defendant Couch;
- 10 3. All remaining claims are DISMISSED WITH PREJUDICE for failure to state  
11 a claim under Section 1983; and
- 12 4. Defendants California Department of Corrections, Kathleen Allison, Kenneth  
13 Clark, and two Does are DISMISSED WITH PREJUDICE based upon  
14 Plaintiff's failure to state cognizable claims against them.  
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17 IT IS SO ORDERED.

18 Dated: May 13, 2011

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