UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOWELL FINLEY,

Plaintiff,

v.

T. GONZALES, III, et al.,

Defendants.

/

CASE NO. 1:08-cv-00075-LJO DLB PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, AND DISMISSING CERTAIN CLAIMS AND CERTAIN DEFENDANTS

(Doc. 21)

Plaintiff Jowell Finley ("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 February 13, 2009, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within twenty days. Plaintiff did not file a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed February 13, 2009, is adopted in full;

2. This action shall proceed on Plaintiff's complaint, filed January 15, 2008, against Defendants A. D. Olive and M. Pina for violation of the Eighth Amendment;

3. Plaintiff's First and Fourteenth Amendments religion claims, Religious Freedom Restoration Act claim, retaliation claims, supervisory claim, and access to the courts claim are dismissed for failure to state a claim; and

4. Defendants. Gonzales III, Cano, Jones and Adams are dismissed based on Plaintiff's failure to state any claims against them.

IT IS SO ORDERED.

Dated: April 9, 2009 **/s/ Lawrence J. O'Neill**
UNITED STATES DISTRICT JUDGE