



1 courts claim. Plaintiff's voluntary decision to settle the case does not demonstrate that he was  
2 denied access to the courts. Moreover, Plaintiff's assertion that if circumstances were different,  
3 Plaintiff could have been more successful in litigating his claim or could have obtained a more  
4 satisfactory settlement is speculative and cannot establish actual injury. See Madrid v. Gomez,  
5 190 F.3d 990, 995-96 (9th Cir. 1999) (quoting Lewis v. Casey, 518 U.S. 343, 351 (1996)).

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de  
7 novo review of this case. Having carefully reviewed the entire file and Plaintiff's objections, the  
8 Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Findings and Recommendations, filed July 28, 2010, is adopted in full.
- 11 2. The action shall proceed on Plaintiff's amended complaint filed on October 21, 2009;  
12 against Defendants I. Bueno, L. Cano and S. Cano for retaliation against Plaintiff's  
13 exercise of his First Amendment rights; and
- 14 3. Plaintiff's access to courts claims and Eighth Amendment claims are dismissed for  
15 failure to state a claim.

16 IT IS SO ORDERED.

17 Dated: December 10, 2010

  
CHIEF UNITED STATES DISTRICT JUDGE

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