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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANNY JAMES COHEA,

CASE NO. 1:08-cv-01186-LJO-SKO PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

v.

(Doc. 49)

D. ADAMS, et al.,

Defendants.

Plaintiff Danny James Cohea (“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 June 22, 2010, the Magistrate Judge issued a Findings and Recommendations which recommended that certain claims be dismissed from this action. (Doc. 49.) The Findings and Recommendations were served on all parties and contained notice that any objections to the Findings and Recommendations were to be filed within thirty (30) days of the date on which the Findings and Recommendations were served. Plaintiff filed objections on July 12, 2010. (Doc. #50.)

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. Plaintiff’s objections to the Findings and Recommendations fail to properly explain why Plaintiff voluntarily consented to the dismissal of his equal protection and due process claims and his claims against Defendant Guzman on May 3, 2010 and now wishes to rescind his consent. The Court

1 previously gave Plaintiff the opportunity to amend his complaint to cure the deficiencies in these
2 claims and Plaintiff declined to amend his complaint. The Court also informed Plaintiff of the
3 deficiencies in these claims. Plaintiff does not wish to amend these claims to cure the deficiencies
4 identified by the Court. Therefore, the Court will dismiss these claims for failing to state a
5 cognizable claim upon which relief can be granted.

6 Accordingly, the Court HEREBY ORDERS that:

- 7 1. The June 22, 2010 Findings and Recommendations are ADOPTED in full;
- 8 2. Plaintiff's equal protection claims, due process claims, and claims against Defendant
9 Guzman are DISMISSED; and
- 10 3. This action shall proceed on Plaintiff's claims against Defendants Vela-Lopez, Kush,
11 Jones, Hicinbothem, and Does 1-5 for retaliation, and Plaintiff's claims against
12 Defendants Vela-Lopez, Jones, Hicinbothem, and Adams for interfering with
13 Plaintiff's right of access to the Courts.

14 IT IS SO ORDERED.

15 **Dated: September 13, 2010**

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