

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHAUNCEY HOLLIS, 1:08-CV-01834-OWW-DLB PC
Plaintiff, ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS
v. (DOC. [17](#))
R. GONZALEZ, et al.,
Defendants.

_____/

Plaintiff Chauncey Hollis ("plaintiff") is a California 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 302.

On June 18, 2010, 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 thirty 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), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings

1 and Recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1) The Findings and Recommendations, filed June 18, 2010,
5 are adopted in full;
- 6 2) This action proceed on Plaintiff's first amended
7 complaint, filed May 26, 2009, against Defendant Sweeney
8 for violation of the Fourth Amendment;
- 9 3) Plaintiff's claim against Defendant Gonzalez for
10 retaliation in violation of the First Amendment are
11 DISMISSED without prejudice;
- 12 4) Plaintiff's claims against Defendants Hackett, Hawkins,
13 Reed and Sampson are DISMISSED without prejudice;
- 14 5) Plaintiff's claims arising at Desert View Modified
15 Community Correctional Facility and at the California
16 Institute for Men are DISMISSED without prejudice;
- 17 6) Plaintiff's claims against Defendant Director of CDCR are
18 DISMISSED with prejudice for failure to state a claim
19 upon which relief may be granted; and
- 20 7) Plaintiff's Eighth Amendment and Equal Protection claims
21 are DISMISSED with prejudice for failure to state a claim
22 upon which relief may be granted.

23 IT IS SO ORDERED.

24 **Dated: August 6, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE