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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEMMEL DIXON,

Plaintiff,

v.

F. GONZALES, et al.,

Defendants.

CASE NO. 1:09-cv-00172-OWW-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS

(Docs. 16)

_____ /

Plaintiff Gemmel Dixon (“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 302.

On October 21, 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 thirty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on November 9, 2009.

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 October 21, 2009, is adopted in full;
2. This action proceed on Plaintiff’s [first amended complaint](#), filed June 2, 2009, against Defendants Gonzales, Carrasco, Zanchi, Peterson and Gentry for failure to

1 protect, in violation of the Eighth Amendment;

2 3. Plaintiff's First and Fourteenth Amendment claims are dismissed for Plaintiff's
3 failure to state a claim; and

4 4. Defendants Hubbard, Arnold, Albritton, and Genova are dismissed from this
5 action for Plaintiff's failure to state any claims upon which relief may be granted
6 against them.

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8 IT IS SO ORDERED.

9 **Dated:** December 18, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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