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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS,

CASE NO. 1:09-cv-00463-AWI-BAM PC

Plaintiff,

v.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSING CERTAIN CLAIMS AND
DEFENDANTS

RUSSELL YORK, et al.,

Defendants.

(ECF No. 51)

Plaintiff Michael Eugene Hollis (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors. 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 4, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. On November 7, 2011, plaintiff filed an [Objection](#).

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 4, 2011, is adopted in full;

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- 2. This action shall proceed on the Third Amended Complaint, filed September 26, 2011, against Defendants Dawson and Calvert for deliberate indifference to conditions of confinement in violation of the Eighth Amendment;
- 3. Plaintiff's First Amendment access to the court claim, remaining Eighth and Fourteenth Amendment claims, official capacity claims, and claim for injunctive relief are dismissed, with prejudice, for failure to state a claim under section 1983;
- 4. Defendants Holder, Mims, York, and Doe are dismissed, with prejudice, based upon Plaintiff's failure to state a cognizable claim against them; and
- 5. This action is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: May 9, 2012



CHIEF UNITED STATES DISTRICT JUDGE