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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,

Plaintiff,

v.

GREEN, et al.,

Defendants.

CASE NO. 1:09-cv-00600-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. [15](#))

Plaintiff Michael Lenoir Smith (“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 May 12, 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 and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The [Findings and Recommendations](#), filed May 12, 2010, is adopted in full;
2. This action proceed on Plaintiff’s amended [complaint](#), filed November 3, 2009, against Defendants Green, Navarro, and T. Lee for retaliation in violation of the First Amendment;

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3. Defendants Hopkins, Cerda, Jr., and Martinez are dismissed from this action; and
4. Plaintiff's Eighth Amendment and due process claims are dismissed for failure to state a claim upon which relief may be granted under 42 U.S.C. § 1983.

IT IS SO ORDERED.

Dated: June 28, 2010



CHIEF UNITED STATES DISTRICT JUDGE