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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JAYMAR DODDS,

Plaintiff,

v.

LASCANO, et al.,

Defendants.

CASE NO. 1:09-cv-00656-AWI-DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS

(Doc. 11)

Plaintiff Jaymar Dodds 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 September 28, 2009, the Court issued an order finding that Plaintiff’s complaint states cognizable claims against Defendants Lascano and Williams for violation of the Eighth Amendment, and against Defendants Hamlin and Lascano for retaliation, in violation of the First Amendment. The Court also found that Plaintiff’s allegations do not support claims against any defendant relating to the strip search, or for denial of access to the courts, or regarding Plaintiff’s conditions of confinement in the ASU. The Court ordered Plaintiff to either file an amended complaint or notify the Court of his willingness to proceed only on the claims found to be cognizable. On October 23, 2009, Plaintiff notified the Court that he does not wish to amend and is willing to proceed on the claims found cognizable.

Based on Plaintiff’s October 23, 2009 notice, on October 27, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) that recommend the claims previously found not

1 cognizable be dismissed. The Findings and Recommendations were served on Plaintiff and  
2 contained notice that any objection to the Findings and Recommendations was to be filed within  
3 thirty days. Plaintiff did not file an Objection to the Findings and Recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
5 de novo review of this case. Having carefully reviewed the entire file, the Court finds the  
6 Findings and Recommendations to be supported by the record and by proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The [Findings and Recommendations](#), filed October 27, 2009, is adopted in full;
- 9 2. This action proceed on Plaintiff's [complaint](#), filed April 13, 2009, against  
10 Defendants Lascano and Williams for violation of the Eighth Amendment and  
11 against Defendants Hamlin and Lascano for retaliation in violation of the First  
12 Amendment;
- 13 3. Plaintiff's claims for denial of access to the courts and pertaining to the strip  
14 search are dismissed for failure to state a claim;
- 15 4. Plaintiff's claims regarding the conditions of confinement are dismissed without  
16 prejudice for violation of Federal Rule of Civil Procedure 18; and
- 17 5. Defendant Rivera is dismissed based on Plaintiff's failure to state any claims  
18 against him.

19  
20 IT IS SO ORDERED.

21 **Dated: December 23, 2009**

22 /s/ Anthony W. Ishii  
23 CHIEF UNITED STATES DISTRICT JUDGE  
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