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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON HAWKINS,

Plaintiff,

vs.

DERRAL G. ADAMS, et al.,

Defendants.

Case No. 1:09-cv-00771 LJO JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. 33)

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. On July 6, 2011, the assigned Magistrate Judge screened Plaintiff’s second amended complaint pursuant to 28 U.S.C. § 1915A(a) and issued findings and recommendations recommending the dismissal of certain claims and defendants from this action. The findings and recommendations contained notice that any objections were to be filed within twenty-one days. As of the date of this order, Plaintiff has not filed any objections.

In accordance with 28 U.S.C. § 636(b)(1) and Local Rule 302, the 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 proper analysis.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The findings and recommendations of the assigned Magistrate Judge filed July 6, 2011, are adopted in full;

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- 2. Plaintiff's Fourteenth Amendment due process claims against Defendants Castillo, Miles, and Munoz are **DISMISSED** for failure to state a claim;
- 3. Plaintiff's First Amendment access to the courts claims against Defendants Jones and Davis are **DISMISSED** for failure to state a claim;
- 4. Plaintiff's Fourteenth Amendment equal protection claim against Defendant Adams is **DISMISSED** for failure to state a claim;
- 5. Plaintiff's claims pursuant to Article I, Section 7 of the California state constitution are **DISMISSED** for failure to state a claim;
- 6. Plaintiff's official capacity claims are **DISMISSED** for failure to state a claim; and
- 7. This action **SHALL** proceed on Plaintiff's (1) Eighth Amendment excessive force claim against Defendant Castillo in his individual capacity; and (2) First Amendment retaliation claim against Defendant Jones in his individual capacity.

IT IS SO ORDERED.

Dated: August 5, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE