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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VIRGIL E. HOLT,

Plaintiff,

v.

R. NICHOLAS, et al.,

Defendants.

CASE NO. 1:09-CV-00800-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(DOC. [23](#))

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Plaintiff Virgil E. Holt (“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 July 23, 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 July 23, 2010, is adopted in full;
2. Plaintiff’s claims in Counts 13 through 16 of Plaintiff’s [second amended complaint](#) are DISMISSED from this action without prejudice;

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- 3. Defendants Crouch, Hopkins, Eubanks, Nipper, Stevenson, and Lundy are DISMISSED from this action without prejudice; and
- 4. This action proceed on Plaintiff's [second amended complaint](#), filed April 8, 2010 against (a) Defendants R. Nicholas, A. Holguin, J. Ortega, L. Machado, J. Juden, G. Adame, F. Rivera, R. Valverde, D. Coontz, M. Bubbel, K. Prior, J. Tyree, Large, Soto, Yubeta, Worrell, Vo, Knight, T. Crouch, Pinkerton, Valasco, and Does 1 through 5 and 7 through 10 for violation of the Eighth Amendment, (b) against Defendant Holguin for retaliation in violation of the First Amendment, and (c) Defendants Carrasco and D. Zanchi for supervisory liability.

IT IS SO ORDERED.

Dated: September 2, 2010



CHIEF UNITED STATES DISTRICT JUDGE