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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIZ VALENZUELA RODRIGUEZ,
Plaintiff,
v.
HUBBARD, et al.,
Defendants.

Case No. 1:10-cv-00858-LJO-DLB PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DEFENDANTS' MOTION TO DISMISS BE
GRANTED IN PART AND DENIED IN
PART
(ECF Nos. 62, 84)

Plaintiff Luiz Valenzuela Rodriguez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 5, 2010. This action is proceeding on Plaintiff's third amended complaint, filed on February 29, 2012, against 1) Defendants Hubbard, Cate, Harrington, Biter, Soto, Phillips, Da Veiga, Ozaeta, Betzinger, Gregory, Garza, Wegman, Alic, Grissom, Speidell, Davis, and Foster for violation of the Free Exercise Clause of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment; 2) Defendant Garza for retaliation in violation of the First Amendment; and 3) Defendants Harrington, Biter, Grissom, Soto, Da Veiga, Phillips, Ozaeta, Betzinger, Gregory, Wegman, Alic, Freir, and Rankin for deliberate indifference to Plaintiff's safety in violation of the Eighth Amendment (ECF Nos. 23 & 27.)

1 Pending before the Court is Defendant Da Viega's, Phillips' Betzinger's, Gregory's,
2 Garza's Speidell's, Ozaeta's, Wegman's, Biter's, Alec's and Rankin's Motion to Dismiss, filed
3 pursuant to Federal Rule of Civil Procedure 12(b)(6) on July 29, 2013. (ECF No. 62.) On May
4 12, 2014, the Court issued a findings and recommendations recommending granting Defendants'
5 motion in part and denying in part. (ECF No. 62.) Neither party filed any objections.

6 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this
7 case. Having carefully reviewed the entire file, the Court finds the findings and recommendations
8 to be supported by the record and by proper analysis.

9 Accordingly, it is HEREBY ORDERED that the Court adopts the findings and
10 recommendations, filed on May 12, 2014, in full.

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13 IT IS SO ORDERED.

14 Dated: August 11, 2014

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