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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 ROBERT MCDANIEL,

11 Plaintiff,

12 v.

13 FRANK X. CHAVEZ, et al.,

14 Defendants.  
15  
16

1:10-cv-01077-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF NO. 40)

ORDER FOR THIS ACTION TO  
PROCEED ONLY AGAINST  
DEFENDANTS DAVIS, CHAVEZ, AND  
LOYD FOR VIOLATION OF DUE  
PROCESS, AND DISMISSING ALL  
OTHER CLAIMS AND DEFENDANTS

17 Robert McDaniel (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma*  
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds  
19 on Plaintiff’s Fourth Amended Complaint filed on August 11, 2016. (ECF No. 39). The matter  
20 was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and  
21 Local Rule 302.

22 On September 8, 2016, Magistrate Judge Erica P. Grosjean entered findings and  
23 recommendations, recommending that this action proceed only against defendants Davis,  
24 Chavez, and Lloyd for violation of due process, and that all other claims and defendants be  
25 dismissed from this action based on Plaintiff’s failure to state a claim. (ECF No. 40). Plaintiff  
26 was provided an opportunity to file objections to the findings and recommendations within  
27 thirty days. To date, Plaintiff has not filed objections or otherwise responded to the findings  
28 and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
3 the court finds the findings and recommendations to be supported by the record and proper  
4 analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The findings and recommendations issued by the Magistrate Judge on  
7 September 8, 2016, are ADOPTED in full;
- 8 2. This action now proceeds on Plaintiff's Fourth Amended Complaint, filed on  
9 August 11, 2016, against defendants Davis, Chavez, and Lloyd for violation of  
10 due process;
- 11 3. All remaining claims and defendants are DISMISSED from this action;
- 12 4. The Clerk is DIRECTED to reflect the dismissal of defendants Capt. Overstreet,  
13 Sgt. Cunningham, R. Cipriani, I.D. Clay, Matthew Cate, N. Grannis, and R.  
14 Manual on the court's docket; and
- 15 5. This case is referred back to the Magistrate Judge for further proceedings.

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17 IT IS SO ORDERED.

18 Dated: October 26, 2016

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