

1 receipts for the CD player, be dismissed.¹

2 Plaintiff was to file any objections to the Magistrate Judge's May 25, 2012
3 recommendations by June 8, 2012. (Doc. 13). On June 18, 2012, Plaintiff filed untimely
4 Objections to the Magistrate Judge's Findings and Recommendations. (Doc. 19). Plaintiff's
5 Objections assert that by recommending dismissal of Plaintiff's due process claims, the
6 Magistrate Judge is essentially asserting a defense that defendants have "waived." (Doc. 19 at 2).
7 Plaintiff further alleges that he could be prejudiced if defendants argue that his state claim is
8 untimely. (Id.) This Court has reviewed and considered Plaintiff's objections and agrees with the
9 analysis set forth in the Magistrate Judge's Findings and Recommendations.

10 Therefore, in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Britt v. Simi
11 Valley United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), the Court has conducted a de novo
12 review of the case. Having carefully, reviewed the entire file, the Court finds that the findings
13 and recommendations are supported by the record and by proper analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations issued May 25, 2012 are **ADOPTED IN FULL**;
- 16 2. Plaintiff's Fourteenth Amendment Due Process claims related to the theft of his CD
17 player are **DISMISSED**;
- 18 3. Plaintiff's Fourteenth Amendment Due Process and First Amendment claims relating
19 to the failure of prison employees to return his original receipts for the CD player are
20 likewise **DISMISSED**.

21
22 IT IS SO ORDERED.

23 Dated: June 26, 2012

24 
25 _____
26 CHIEF UNITED STATES DISTRICT JUDGE

27 ¹ This Court recently issued an order directing service of the Complaint on Defendant J.
28 Nora (aka J. Mora) on the sole claim that Defendant retaliated against Plaintiff when he stole
Plaintiff's CD player. Thus, these Findings and Recommendations only relate to Plaintiff's Due
Process claims for theft of his CD player and his Due Process and First Amendment claims for
Defendant's failure to return receipts showing ownership of the CD player.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28