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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KAJAUNA KENYATTA IRVIN,	)	Case No.: 1:10-cv-01940-DAD-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER ADOPTING FINDINGS AND
v.	)	RECOMMENDATION AND DENYING
	)	DEFENDANTS' MOTION TO DISMISS THE
JAMES A YATES, et al.,	)	COMPLAINT
	)	
Defendants.	)	(Doc. Nos. 89, 109, 118, 120, 136)
	)	

Plaintiff Kajauna Kenyatta Irvin is appearing *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”). The case was removed from state court on October 14, 2010.

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 February 8, 2016, the assigned magistrate judge filed findings and recommendations recommending that defendants’ motion to dismiss for failure to state a cognizable claim be denied.<sup>1</sup> Those findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within thirty days. (Doc. 136.) Plaintiff filed his objections on March 14, 2016. (Doc. 137.) Defendants filed no objections.

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<sup>1</sup> The findings and recommendations also recommended that a request for judicial notice brought by plaintiff be denied and that defendants’ motion to strike the declarations submitted by plaintiff in support of his opposition to defendants’ motion to dismiss be granted.


1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de*  
2 *novo* review of this case. Having carefully reviewed the entire file, including plaintiff's objections, the  
3 court finds the findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The Findings and Recommendations, filed on February 8, 2016, are adopted in full;
- 6 2. Plaintiff's motion for judicial notice is DENIED in part;
- 7 3. Defendants' motion to strike the declarations submitted by plaintiff in support of his  
8 opposition to Defendants' motion to dismiss is GRANTED;
- 9 4. Defendants' motion to dismiss for failure to state a cognizable claim for relief is  
10 DENIED.

11  
12 IT IS SO ORDERED.

13 Dated: April 7, 2016

  
14 UNITED STATES DISTRICT JUDGE