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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LAWRENCE L. MARSH,

12 Plaintiff,

13 vs.

14 JERRY BROWN, et al.,

15 Defendants.
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1:10-cv-02353-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 31.)

ORDER FOR THIS CASE TO PROCEED
ONLY ON PLAINTIFF'S CLAIM FOR
DEPRIVATION OF OUTDOOR EXERCISE
AGAINST DEFENDANTS ROHRANDANZ
AND KANE FOR MONEY DAMAGES,
AND DISMISSING ALL REMAINING
CLAIMS AND DEFENDANTS

ORDER REFERRING CASE BACK TO
MAGISTRATE JUDGE

21 Lawrence L. Marsh ("Plaintiff") is a state prisoner proceeding pro se with this civil
22 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States
23 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

24 On January 4, 2013, findings and recommendations were entered, recommending that
25 this case proceed on Plaintiff's claim for deprivation of outdoor exercise against defendants
26 Rohrandanz and Kane for money damages, and dismissing all remaining claims and
27 defendants. (Doc. 31.) Plaintiff was provided an opportunity to file objections to the findings
28 and recommendations within thirty days, and Plaintiff was granted an additional forty-five days

1 in which to file objections. (Doc. 34.) To date, Plaintiff has not filed objections or requested
2 further extension of time.

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

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on January
9 31, 2013, are ADOPTED IN FULL;
- 10 2. This case now proceeds on Plaintiff's claim for deprivation of outdoor exercise
11 against defendants Rohrandanz and Kane for money damages;
- 12 3. All other claims and defendants are DISMISSED from this action for failure to
13 state a claim upon which relief may be granted, or for violation of Rule 18(a);
- 14 4. Plaintiff's claim for excessive force against defendant Montoya is DISMISSED
15 from this action, and defendant Montoya is DISMISSED from this action, under
16 Rule 18(a), without prejudice to filing a new civil rights complaint addressing
17 this claim;
- 18 5. Plaintiff's claims for conspiracy, retaliation, inadequate medical care, failure to
19 protect, and inadequate appeals process are DISMISSED from this action for
20 failure to state a claim upon which relief may be granted under § 1983;
- 21 6. Defendants Brown, Igbanosa, Lovell, Cano, Sing, and Genis are DISMISSED
22 from this action for failure to state any claims against them; and
- 23 7. This case is referred back to the Magistrate Judge for further proceedings,
24 including service of process.

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27 IT IS SO ORDERED.

28 Dated: April 11, 2013

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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