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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DARREN KAWAMOTO,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Case No. 1:11-cv-01308-LJO-MJS (PC)

ORDER ADOPTING, IN PART, FINDINGS  
AND RECOMMENDATIONS AND  
DENYING, IN PART, DEFENDANTS'  
MOTION TO DISMISS

ECF Nos. 22 and 40

Plaintiff Darren Kawamoto, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 8, 2011. 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 March 31, 2014, the Magistrate Judge issued a findings and recommendations recommending that Defendants' motion to dismiss be denied. (ECF No. 40.) Defendants filed objections on April 9, 2014. (ECF No. 41.)

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

1 analysis. However, the Magistrate Judge’s order recommended that the Defendant’s motion to  
2 dismiss be denied entirely when its analysis indicated that the motion should be granted in part  
3 and denied in part.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed March 31, 2014, are adopted in part;
- 6 2. Defendant’s motion to dismiss (ECF No. 22) is granted in part and denied in part;
- 7 3. Plaintiff shall proceed with his claims for damages pursuant to the Americans  
8 with Disabilities Act and the Rehabilitation Act against the California Department  
9 of Corrections and the remaining Defendants in their official capacities;
- 10 4. Plaintiff shall proceed with his Equal Protection claim for damages against all the  
11 Defendants in their individual capacities except the California Department of  
12 Corrections and Rehabilitation; and
- 13 5. Plaintiff’s claims for injunctive relief are dismissed.

14 IT IS SO ORDERED.

15 Dated: July 9, 2014

/s/ Lawrence J. O’Neill  
UNITED STATES DISTRICT JUDGE

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