

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| REX CHAPPELL, |) 1:11cv01425 LJO DLB PC |
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| Plaintiff, | ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMSAND |
| VS. | DEFENDANTS |
| T. STANKORB, et al., |) (Document 20) |
| Defendants. | |

Plaintiff Rex Chappell ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. 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 25, 2013, the Magistrate Judge issued <u>Findings and Recommendations</u> regarding dismissal of certain claims and certain Defendants. The Findings and Recommendations were served on Plaintiff and contained notice that any objections were to be filed within thirty days. After receiving an extension of time, Plaintiff failed to file objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed March 25, 2013, are ADOPTED in full;
- 2. This action shall proceed on the following claims: (1) an Eighth Amendment conditions of confinement against Defendants Holland, Reed, Stankorb, Miner, Bryant, Haak, Matzen and Frazier based on their classification and housing of Plaintiff as a member of the BGF; and (2) an Eighth Amendment conditions of confinement against Defendants Stankorb and Frazier based on their disclosure that Plaintiff was a child molester to other inmates; and
- Plaintiff states no further cognizable claims and therefore Defendants Sampson,
 Stainer and Tate are DISMISSED from this action.¹

IT IS SO ORDERED.

Dated: May 29, 2013 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

¹ Plaintiff's First Amended Complaint did not name Defendant A. Joaquin, though this Defendant continues to appear on the docket based on Plaintiff's original complaint. Defendant A. Joaquin is no longer a Defendant in this action.