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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,	)	1:12cv00487 LJO DLB PC
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS AND DISMISSING
vs.	)	CERTAIN CLAIMS
	)	
G. GONZALES,	)	(Document 8)
	)	
Defendant.	)	

Plaintiff Timothy Howard (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on March 30, 2012. 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 27, 2013, the Magistrate Judge issued [Findings and Recommendations](#) that (a) certain claims go forward; and (b) Plaintiff’s claims pursuant to California Penal Code section 118.1 and section 3084.1 of Title 15 of the California Code of Regulations be dismissed without leave to amend for failure to state a claim. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty days. Plaintiff did not file objections.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed February 27, 2013, are adopted in full;  
6  
7 2. This action proceed on claims against Defendant Gonzales for (a) violation of the  
8 First Amendment based on her refusal to file his inmate appeals; (b) violation of the Eighth  
9 Amendment based on her denial of medical care; and (c) violation of the First Amendment based  
10 on retaliation<sup>1</sup>; and  
11  
12 3. The claims under California Penal Code section 118.1 and section 3084.1 of Title  
13 15 of the California Code of Regulations are DISMISSED WITHOUT LEAVE TO AMEND.

14  
15 IT IS SO ORDERED.

16 Dated: April 10, 2013

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

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<sup>1</sup> Plaintiff's service documents were submitted to the United States Marshal on March 19, 2013.