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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 ANGEL TAMAYO,

10 Plaintiff,

11 vs.

12 R. FISHER, JR., et al.,

13 Defendants.  
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1:12-cv-00510-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 15.)

ORDER FOR THIS ACTION TO  
PROCEED WITH THE FIRST AMENDED  
COMPLAINT, ON PLAINTIFF'S CLAIMS  
AGAINST DEFENDANTS FISHER,  
REVEES, MYERS, AND DUKE FOR  
VIOLATION OF PLAINTIFF'S RELIGIOUS  
RIGHTS UNDER RLUIPA AND THE  
FIRST AMENDMENT, AND DISMISSING  
ALL OTHER CLAIMS AND  
DEFENDANTS FROM THIS ACTION FOR  
FAILURE TO STATE A CLAIM

18 Angel Tamayo ("Plaintiff") is a former state prisoner proceeding pro se with this civil  
19 rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States  
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On April 9, 2015, the Court entered [Findings and Recommendations](#), recommending  
22 that this action proceed with the First Amended Complaint filed on June 25, 2014, on Plaintiff's  
23 RLUIPA and First Amendment claims against defendants Fisher, Revees, Myers, and Duke for  
24 violation of Plaintiff's rights to practice his religion, and that all other claims and defendants be  
25 dismissed from this action based on Plaintiff's failure to state a claim. (Doc. 15.) Plaintiff was  
26 provided an opportunity to file objections to the Findings and Recommendations within thirty  
27 days. To date, Plaintiff has not filed objections or otherwise responded to the Findings and  
28 Recommendations.

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

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The Findings and Recommendations issued by the Magistrate Judge on April 9,  
7 2015, are ADOPTED in full;
- 8 2. This action now proceeds on Plaintiff's First Amended Complaint, filed on June  
9 25, 2014, on Plaintiff's RLUIPA and First Amendment claims against  
10 defendants Fisher, Revees, Myers, and Duke, for violation of Plaintiff's rights to  
11 practice his religion;
- 12 3. All remaining claims and defendants are DISMISSED from this action;
- 13 4. Plaintiff's Eighth Amendment claims are dismissed from this action based on  
14 Plaintiff's failure to state a claim under § 1983;
- 15 5. Defendant Farkas is dismissed from this action based on Plaintiff's failure to  
16 state any claims against him;
- 17 6. The Clerk of Court is directed to reflect the dismissal of defendant Farkas on the  
18 court's docket; and
- 19 7. This case is referred back to the Magistrate Judge for further proceedings,  
20 including initiation of service of process.

21  
22 IT IS SO ORDERED.

23 Dated: May 27, 2015

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