

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANGEL TAMAYO,

Plaintiff,

VS.

R. FISHER, JR., et al.,

Defendants.

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

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

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

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) 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 proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

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

IT IS SO ORDERED.

Dated: **May 27, 2015**

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