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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HOMER TYRONE LEWIS,)	1:12-cv-00856-LJO-BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
v.)	DISMISSAL OF CERTAIN CLAIMS
)	(ECF No. 21, 22)
KATHLEEN ALISON, et al.,)	
)	
Defendants.)	
)	
)	
)	

Plaintiff Homer Tyrone Lewis (“Plaintiff”) is a state prisoner proceeding in forma pauperis in this civil rights action pursuant to [42 U.S.C. § 1983](#).

On December 10, 2013, the Magistrate Judge issued Findings and Recommendations that this action proceed on Plaintiff’s third amended complaint against Defendants Alison, Adams, Junious, Denny, Parra and Garza in their individual capacities for retaliation in violation of the First Amendment; that Plaintiff’s claim for damages against Defendants in their official capacities be dismissed; that Plaintiff’s access to the courts and California Penal Code § 2601 claims be dismissed; and that Plaintiff’s claim for declaratory relief be dismissed. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty days after service. More than thirty days have passed and Plaintiff has not filed any objections.

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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, issued on December 10, 2013, are adopted
6 in full;
- 7 2. This action shall proceed on Plaintiff's third amended complaint, filed on
8 November 18, 2013, against Defendants Alison, Adams, Junious, Denny, Parra
9 and Garza in their individual capacities.
- 10 3. Plaintiff's claim for damages against Defendants in their official capacities is
11 DISMISSED;
- 12 4. Plaintiff's denial of access to the courts and California Penal Code § 2601 claims
13 are DISMISSED;
- 14 5. Plaintiff's request for declaratory relief is DISMISSED; and
- 15 6. This matter is referred back to the Magistrate Judge for further proceedings
16 consistent with this order.

17 7.

18 IT IS SO ORDERED.

19 Dated: January 21, 2014

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

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