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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 KELVIN FELTON,

9 Plaintiff,

10 vs.

11 J. LOPEZ, et al.,

12 Defendants.
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1:12-cv-01066-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 61.)

ORDER GRANTING IN PART
DEFENDANT LOPEZ'S MOTION TO
DISMISS SUPPLEMENTAL COMPLAINT
FOR FAILURE TO STATE A CLAIM, OR
BASED ON QUALIFIED IMMUNITY,
WITH LEAVE TO AMEND
(Doc. 38.)

ORDER DENYING DEFENDANT LOPEZ'S
MOTION TO STRIKE EXHIBITS FROM
ORIGINAL COMPLAINT

ORDER FOR CLERK TO FILE FIRST
AMENDED COMPLAINT LODGED ON
FEBRUARY 17, 2015
(Doc. 65.)

ORDER FOR DEFENDANTS LOPEZ AND
HARRISON TO FILE ANSWER TO FIRST
AMENDED COMPLAINT WITHIN
THIRTY DAYS

23 Kelvin Felton ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action
24 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
25 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

26 On January 28, 2015, findings and recommendations were entered, recommending that
27 Defendant Lopez's motion to dismiss Plaintiff's Supplemental Complaint for failure to state a
28 claim, or based on qualified immunity, be granted in part with leave to amend; and that

1 defendant Lopez's motion to strike be denied. (Doc. 61.) The parties were granted an
2 opportunity to file objections to the findings and recommendations within thirty days. To date,
3 no objections have been filed. However, on February 17, 2015, Plaintiff lodged a proposed
4 First Amended Complaint. (Doc. 65.)

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

9 Accordingly, THE COURT HEREBY ORDERS that:

- 10 1. The Findings and Recommendations issued by the Magistrate Judge on January
11 28, 2015, are ADOPTED IN FULL;
- 12 2. Defendant Lopez's motion to dismiss Plaintiff's Supplemental Complaint for
13 failure to state a claim, or based on qualified immunity, filed on May 2, 2014, is
14 GRANTED IN PART, with leave to file a First Amended Complaint combining
15 the claims in the original Complaint and the Supplemental Complaint;
- 16 3. Defendant Lopez's motion to strike exhibits from the original Complaint, filed
17 on May 2, 2014, is DENIED;
- 18 4. The Clerk of Court is DIRECTED to file the First Amended Complaint lodged
19 on February 17, 2015 (Doc. No. 65);
- 20 5. Defendants Harrison and Lopez shall file an Answer to the First Amended
21 Complaint within thirty days from the date of service of this order; and
- 22 6. This case is referred back to the Magistrate Judge for further proceedings.

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24 IT IS SO ORDERED.

25 Dated: March 5, 2015


26 SENIOR DISTRICT JUDGE