

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de*
2 *novus* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections,
3 the Court finds the Findings and Recommendation to be supported by the record and by proper
4 analysis. Plaintiff appears to be arguing that Defendants Cate, Harrington, and Billings have violated
5 his Eighth Amendment rights by implementing a general policy of double celling, even among high
6 security level prisoners. However, "Double-celling as such is not constitutionally impermissible."
7 Ford v. Ramirez-Palmer, 301 F.3d 1043, 1051 (9th Cir. 2002) (dealing with housing of level four,
8 highest security level, prisoner). Plaintiff has not alleged that these three Defendants knew the
9 specific concerns Plaintiff expressed about being housed with prisoner Davis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendation, filed on January 27, 2014, is adopted in full; and
- 12 2. This action shall proceed solely on Plaintiff's Eighth Amendment claim against
13 Defendant Johnson and on Plaintiff's First Amendment retaliation claim against Defendant
14 Dimmer;
- 15 3. All other claims and defendants are DISMISSED from the action with prejudice; and
- 16 4. The matter is referred back to the Magistrate Judge for further proceedings.

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18 IT IS SO ORDERED.

19 Dated: January 16, 2015



20 SENIOR DISTRICT JUDGE