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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ABEL VALENCIA,

12 Plaintiff,

13 v.

14 CONNIE GIPSON, et al.,

15 Defendants.

Case No.: 1:12-cv-01446-AWI-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DISMISSING CERTAIN
CLAIMS AND DEFENDANTS FROM THE
ACTION FOR FAILURE TO STATE A
COGNIZABLE CLAIM, AND REFERRING
MATTER BACK TO MAGISTRATE JUDGE FOR
FURTHER PROCEEDINGS

16 [ECF NO. 19]

17 Plaintiff Abel Valencia is appearing pro se and in forma pauperis in this civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 Plaintiff filed the instant action on September 4, 2012. The matter was referred to a United
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On November 14, 2013, the Magistrate Judge screened Plaintiff's complaint and found that
22 Plaintiff stated a cognizable claim against Defendant D.J. Ruiz for retaliation and a cognizable due
23 process violation against Defendants D.J. Ruiz, A. Mayo, J.C. Garcia, J.C. Smith, S. Johnson, and an
24 unknown IGI officer. Plaintiff was given the option of filing an amended complaint or notifying the
25 Court of his intent to proceed only on the claims found to be cognizable.

26 On December 30, 2013, Plaintiff notified the Court of his intent to proceed only on the claims
27 found to be cognizable. Therefore, on February 24, 2014, a Findings and Recommendation was issued
28 to dismiss all other claims and defendants from the action. The Findings and Recommendation was

1 served on Plaintiff and contained notice that Objections to the Findings and Recommendations were to
2 be filed within thirty days. No Objections were filed.

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed on February 24, 2014, is adopted in full; and
- 8 2. This action shall proceed against Defendant D.J. Ruiz for retaliation and against
9 Defendants D.J. Ruiz, A. Mayo, J.C. Garcia, J.C. Smith, S. Johnson, and an unknown
10 IGI officer for a due process violation;
- 11 3. All other claims and defendants are dismissed from the action for failure to state a
12 cognizable claim; and
- 13 4. The matter is referred back to the Magistrate Judge for initiation of service of process.

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15 IT IS SO ORDERED.

16 Dated: April 18, 2014


17 SENIOR DISTRICT JUDGE
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