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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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11 LUIS V. RODRIGUEZ,) 1:13cv00231 LJO DLB PC
12 Plaintiff,)
13 vs.) ORDER ADOPTING FINDINGS AND
14 HEFFLEFINGER, et al.,) RECOMMENDATIONS FINDING
15 Defendants.) COGNIZABLE CLAIMS AND DISMISSING
) REMAINING CLAIMS AND
) DEFENDANTS
) (Document 28)
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17 Plaintiff Luis V. Rodriguez (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action. Plaintiff filed this action on February 14, 2013. Pursuant to
19 Court order, he filed a Second Amended Complaint on July 14, 2014. The matter was referred to
20 a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On January 30, 2015, the Magistrate Judge issued [Findings and Recommendations](#)
22 finding certain claims cognizable and dismissing the remaining claims and Defendants. The
23 Findings and Recommendations were served on Plaintiff and contained notice that any
24 objections must be filed within thirty days. Plaintiff has not filed objections.
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26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
27 a de novo review of this case. Having carefully reviewed the entire file, the Court finds the
28 Findings and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed January 30, 2015, are adopted in full;
2. This action will go forward on the following cognizable claims: (1) retaliation in violation of the First Amendment against Defendants Anderson, Hefflefinger, Badger, McAllister, Tredwell, Sheldon, Speidell, Duncan, Lovofoy and Huerta; (2) violation of the Eighth Amendment against Defendant Lovofoy; and (3) violation of the Eighth Amendment against Defendants Hefflefinger and Lovofoy based on conditions of confinement; and¹
3. All other claims, as well as Defendants Hubbard, Cate, Biter, Williams, Smith, DaViega and Tarnoff, are DISMISSED from this action.

IT IS SO ORDERED.

Dated: **March 16, 2015**

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

¹ Plaintiff will be instructed on service by separate order.