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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FELIPE GARCIA,

 Plaintiff,

 v.

M. BITER, et al.,

 Defendants.

Case No. 1:13-cv-00599-LJO-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND PARTIES, AND
REFERRING MATTER BACK TO
MAGISTRATE JUDGE FOR SERVICE OF
PROCESS

(Docs. 21 and 28)

_____ /

Plaintiff Felipe Garcia, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 25, 2013. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On December 18, 2014, the Magistrate Judge screened Plaintiff's third amended complaint and recommended dismissal of certain claims and parties. Plaintiff filed timely objections on January 7, 2015. Local Rule 304(b), (d).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the 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 on December 18, 2014, is adopted in full;

1 2. This action for damages shall proceed on Plaintiff's third amended complaint
2 against Defendants Hernandez, Mosqueda, and Baker for retaliation in violation of the First
3 Amendment and endangering Plaintiff safety in violation of the Eighth Amendment;

4 3. Plaintiff's claims arising from the allegations set forth in paragraphs 10 through 13
5 are dismissed, with prejudice, for lack of standing and for failure to state a claim;

6 4. Plaintiff's retaliation claim arising from the rules violation report issued by
7 Defendant Hernandez, to the extent one is alleged, is dismissed, without prejudice, for failure to
8 state a claim;

9 5. Plaintiff's section 1983 equal protection claim and section 1985(3) claim are
10 dismissed, with prejudice, for failure to state a claim

11 6. Plaintiff's claims against Defendants Hudspeth and Biter are dismissed, with
12 prejudice, for failure to state a claim;

13 7. Plaintiff's request for declaratory relief is dismissed for failure to state a claim; and

14 8. This matter is referred to the Magistrate Judge to initiate service of process.
15 IT IS SO ORDERED.

16 Dated: January 9, 2015

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

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