

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DERALD DAVIDSON,)	Case No.: 1:13-cv-0979 – LJO – JLT (PC)
Plaintiff,)	
v.)	ORDER ADOPTING THE SECOND AMENDED
)	FINDINGS AND RECOMMENDATION
D. DAVEY, et al.,)	DISMISSING CERTAIN CLAIMS AND
Defendant.)	DEFENDANTS
)	
)	(Docs. 1-2 and 12)
)	
)	

17 Plaintiff Derald Davidson is a state prisoner proceeding *pro se* with a civil rights action
18 pursuant to 42 U.S.C. § 1983. (Doc. 1-2). On August 5, 2013, the Magistrate Judge issued a second
19 amended Finding and Recommendation dismissing certain claims. (Doc. 12). While the Court advised
20 Plaintiff that he could file his objections to the Findings and Recommendations, if any, within 14 days,
21 he has failed to do so.

22 The Magistrate Judge recommended dismissal of Plaintiff’s claim against Defendants Davey
23 Pfeiffer Tallerico, Jones, and Lozano for the manner in which they handled his inmate grievance.
24 (Doc. 12 at 6-8). The Magistrate Judge noted that Plaintiff had no constitutional right to have his
25 inmate grievance handled in a particular manner. *Id.* at 6. Further, the Magistrate Judge considered
26 that Plaintiff could not assert supervisory liability against Tallerico, Pfeiffer, Davey, and Lozano for
27 their failure to ensure that their subordinates properly processed Plaintiff’s administrative grievance.
28 Finally, and most notable, the Magistrate Judge considered that it was Plaintiff’s delay in filing his

1 Second Level grievance appeal that ultimately caused prison officials to cancel his appeal.

2 Therefore, in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Britt v. Simi
3 Valley United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), the Court has conducted a *de novo*
4 review of the case. Having carefully reviewed the entire file, the Court finds that the Magistrate
5 Judge's second amended Findings and Recommendations (Doc. 12) are supported by the record and
6 by proper analysis.

7 Accordingly, the Court **HEREBY ORDERS** that:

8 1. The second amended Findings and Recommendations (Doc. 12) are **ADOPTED IN**
9 **FULL**; and

10 2. Plaintiff's claims against Defendants Davey, Pfeiffer, Tallerico, Jones, and Lozano are
11 **DISMISSED without leave to amend.**

12
13
14 IT IS SO ORDERED.

15 Dated: August 27, 2013

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