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

DARRELL JUNIOR LESCALLETT,	)	Case No.: 1:13-cv-01342-LJO-BAM (PC)
Plaintiff,	)	
v.	)	ORDER ADOPTING FINDINGS AND
R. DIAZ, et al.,	)	RECOMMENDATIONS REGARDING
Defendants.	)	DISMISSAL OF CERTAIN CLAIMS AND
	)	DEFENDANTS
	)	(ECF Nos. 11, 12, 13, 14)
	)	
	)	
	)	
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Plaintiff Darrell Junior Lescallett (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 2, 2015, the Magistrate Judge screened Plaintiff’s second amended complaint pursuant to 28 U.S.C. § 1915A, and found that it stated cognizable retaliation claim against Defendants Gipson, Bloomfield and Doe Defendants regarding his identification as a 2-5 gang affiliate and placement on a modified program, but failed to state any other cognizable claims. The Magistrate Judge therefore provided Plaintiff with an opportunity to file an amended complaint or notify the Court whether he was agreeable to proceed only on the cognizable claims. (ECF No. 12.) On June 22, 2015, Plaintiff notified the Court of his intention to proceed only on the cognizable claims. (ECF No. 13.)

1 On June 29, 2015, the Magistrate Judge issued Findings and Recommendations that (1) this  
2 action proceed on Plaintiff's second amended complaint, filed on November 24, 2014, for retaliation  
3 in violation of the First Amendment against Defendants Gipson, Broomfield and Doe Defendants  
4 arising out of events on June 26, 2012, which resulted in Plaintiff's placement on a modified program;  
5 (2) Plaintiff's remaining claims be dismissed from this action, including Plaintiff's additional  
6 retaliation, Due Process and Eighth Amendment claims; and (3) Defendants Weaver, Juarez, Prudhel  
7 and McMurrey be dismissed from this action. The Findings and Recommendations were served on  
8 Plaintiff and contained notice that any objections were to be filed within fourteen (14) days after  
9 service. (ECF No. 14.) More than fourteen days have passed and no objections have been filed.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de  
11 novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and  
12 recommendations to be supported by the record and by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations issued on June 29, 2015, are adopted in full;
- 15 2. This action shall proceed on Plaintiff's second amended complaint, filed on November  
16 24, 2014, for retaliation in violation of the First Amendment against Defendants Gipson, Broomfield  
17 and Doe Defendants arising out of events on June 26, 2012, which resulted in Plaintiff's placement on  
18 a modified program;
- 19 3. Plaintiff's remaining claims are dismissed from this action, including Plaintiff's  
20 additional retaliation, Due Process and Eighth Amendment claims; and
- 21 4. Defendants Weaver, Juarez, Prudhel, and McMurrey are dismissed from this action.

22  
23 IT IS SO ORDERED.

24 Dated: July 21, 2015

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