

1 Sanchez, and Acolla and First Amendment claim against Defendants Acolla and
2 Fernandez, should now be dismissed.

3 The Court hereby RECOMMENDS the following:

4 1. Plaintiff be allowed to proceed on his Eighth Amendment claim against
5 Defendants Sandoval, Garza, Fernandez, Guzman, Sanchez, and Acolla and First
6 Amendment claim against Defendants Acolla and Fernandez;

7 2. Plaintiff's Eighth Amendment claims against Defendants Rivera and Patel
8 be dismissed; and

9 3. Defendants Rivera and Patel be dismissed from the action.

10 These Findings and Recommendations are submitted to the United States District
11 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).
12 Within fourteen (14) days after being served with these Findings and Recommendations,
13 any party may file written objections with the Court and serve a copy on all parties. Such
14 a document should be captioned "Objections to Magistrate Judge's Findings and
15 Recommendations." Any reply to the objections shall be served and filed within ten (10)
16 days after service of the objections. The parties are advised that failure to file objections
17 within the specified time may waive the right to appeal the District Court's order.
18 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: March 27, 2014

/s/ Michael J. Seng
22 UNITED STATES MAGISTRATE JUDGE

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