

1 On December 12, 2017, the magistrate judge reinstated Plaintiff's previously dismissed
2 claims, recognizing that a recent Ninth Circuit opinion, *Williams v. King*, 875 F.3d 500 (9th Cir.
3 2017), had held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice
4 in screening prisoner complaints even if a plaintiff has consented to magistrate judge jurisdiction,
5 as Plaintiff had done here. (Doc. No. 53.) Concurrently, the magistrate judge issued findings and
6 recommendations recommending that the undersigned dismiss those reinstated claims. (*Id.*) The
7 parties were given fourteen days to file his objections to those findings and recommendations.
8 No objections were filed within the time permitted.

9 On January 10, 2018, the Court adopted the findings and recommendations in full. (ECF
10 No. 63.) After issuing that order, the Court received Plaintiff's motion for an extension of time to
11 file objections to the findings and recommendations, with a proof of service dated January 8,
12 2018. (ECF No. 64.) Plaintiff sought an extension of time to file objections based on mail delays
13 and a hospitalization. (*Id.*) On February 2, 2018, the Court issued an order finding good cause to
14 grant Plaintiff's request, vacating its January 10, 2018 order, and allowing Plaintiff an additional
15 thirty (30) days to file objections to the December 12, 2017 findings and recommendations. (*Id.*)

16 On February 5, 2018, Plaintiff filed objections to the findings and recommendations. (ECF
17 No. 66.) Plaintiff also filed a motion to alter or amend the previous judgment, which is directed at
18 the January 10, 2018 order. (ECF No. 72.) Although that order has since been vacated, because
19 Plaintiff presents additional arguments for the Court to reject the findings and recommendations
20 in that motion, the Court has considered it along with his objections to the findings and
21 recommendations. Plaintiff's objections and motion to amend the previous judgment also cite
22 other documents he has filed in support of his position. These include a notice regarding the
23 California Whistleblower Act, which he states is relevant to his claims, (ECF No. 67), and a
24 declaration regarding newly discovered evidence, (ECF No. 71).

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
26 undersigned has conducted a *de novo* review of this case, including the Plaintiff's objections. The
27 undersigned concludes the findings and recommendations are supported by the record and by
28 proper analysis.

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Accordingly, it is HEREBY ORDERED that:

1. The findings and recommendations issued on December 12, 2017 (Doc. No. 53) are adopted in full;
2. Plaintiff's motion to alter or amend the previous judgment, filed on February 5, 2018 (Doc. No. 72), is denied;
3. Plaintiff's claims for slavery and involuntary servitude under the Thirteenth Amendment, for due process and equal protection violations of the Fourteenth Amendment, and for injunctive relief, and Defendants Gipson, Gonzales, Guzman, and John Doe, are dismissed for the failure to state a claim upon which relief may be granted; and
4. This action shall proceed solely on Plaintiff's claim against Defendant Rasley for retaliation in violation of the First Amendment, excessive force in violation of the Eighth Amendment, and conversion under state law.

IT IS SO ORDERED.

Dated: March 2, 2018



SENIOR DISTRICT JUDGE