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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IVAN LEE MATTHEWS,

 Plaintiff,

 v.

R. LILES, et al.,

 Defendants.

No. 1:14-cv-00083-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DEFENDANTS’ MOTION TO DISMISS

(ECF No. 39)

Plaintiff Ivan Lee Matthews (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

On September 5, 2017, the assigned magistrate judge issued findings and recommendations, recommending that Defendants’ motion to dismiss be granted in part and denied in part. (ECF No. 49.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 9–10.)

On September 18, 2017, Plaintiff timely filed objections. (ECF No. 50.) The deadline to file objections has passed, and no other objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of this case. The court has reviewed Plaintiff’s objections, but finds no basis warranting rejection of the magistrate judge’s findings and recommendations. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly:

1. The September 5, 2017 findings and recommendations (ECF No. 49), are adopted in full;
2. Defendants’ motion to dismiss (ECF No. 39) is granted in part and denied in part;
3. Plaintiff’s denial of access to courts claim is dismissed;
4. Defendants’ motion to dismiss this action on the grounds of qualified immunity is denied;
5. Defendants’ motion to strike the request for punitive damages is denied;
6. This action shall proceed against Defendants Liles, Sherrett, and Cable only on the claim for retaliation in violation of the First Amendment arising from the denial of Plaintiff’s legal papers;
7. This matter is referred back to the magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: September 25, 2017



SENIOR DISTRICT JUDGE