1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 KENNETH OLIVER, Case No.: 1:14-cv-00088-LJO-SAB (PC) ORDER ADOPTING FINDINGS AND 12 Plaintiff, RECOMMENDATIONS. DISMISSAL OF CERTAIN CLAIMS AND DEFENDANTS FOR 13 v. FAILURE TO STATE A COGNIZABLE CLAIM FOR RELIEF. AND REFERRING THE MATTER 14 DARRYL ADAMS, et al., BACK TO THE MAGISTRATE JUDGE FOR INITIATION OF SERVICE OF PROCESS 15 Defendants. 16 [ECF No. 26] Plaintiff Kenneth Oliver is appearing pro se and in forma pauperis in this civil rights action 17 18 pursuant to 42 U.S.C. § 1983. 19 On May 8, 2015, the Magistrate Judge filed a Findings and Recommendations which was 20 served on the parties and which contained notice to the parties that objections to the Findings and 21 Recommendations were to be filed within thirty days. Plaintiff filed objections on July 9, 2015. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de 22 23 novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and 24 Recommendations to be supported by the record and by proper analysis. Accordingly, IT IS HEREBY ORDERED that: 25 1. The Findings and Recommendations, filed on May 8, 2015, are adopted in full; and 26 27 2. Plaintiff's due process and cruel and unusual punishment claims are DISMISSED, with 28 prejudice, for failure to state a cognizable claim for relief;

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- 3. This action shall proceed on Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act against Defendants Cates, Adams, Davis, Fields, Smith, El-Amin, Grannis, Kostecky, and Does Four through Six; Plaintiff's claim under the First Amendment for violation of the Free Exercise of religion against Defendants Cate, Adams, Davis, Field, Smith, El-Amin, Grannis, Kostecky, and Does Four through Six; Plaintiff's claim under the First Amendment for violation of the Establishment Clause against Defendants Cate, Adams, Davis, Field, Smith, El-Amin, Grannis, Kostecky, Van Klaverer, and Does Four through Six; and Plaintiff's claim for violation of the Equal Protection Clause against Defendants Cates, Adams, Davis, Field, Smith, Van Klaverer, El-Amin, Grannis, Kostecky, and Does Four through Six;
- 4. All other Defendants are DISMISSED from the action for failure to state a cognizable claim for relief; and
 - 5. The matter is referred back to the Magistrate Judge for initiation of service of process.

IT IS SO ORDERED.

Dated: September 21, 2015 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE