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

DAVID C. PATKINS,  
  
  Plaintiff,  
  
  v.  
  
ALOMARI, et al.,  
  
  Defendants.

**Case No. 1:14-cv-00674-LJO-JLT (PC)**  
  
**ORDER ADOPTING FINDINGS  
AND RECOMMENDATION**  
  
**(Doc. 15)**  
  
**THIRTY (30) DAY DEADLINE**

Plaintiff, David C. Patkins, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983 which he filed on May 7, 2014. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 4, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on Plaintiff and which contained notice to the parties that objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff filed objections on September 28, 2015. Local Rule 304(b), (d).

In his objections, Plaintiff argues that inclusion of his retaliation claim against Defendant Davis in this action along with his retaliation claims against Defendants Davies and Vargas does not violate Rule 18. However, Plaintiff fails to show any relation between his claim against Defendant Davis to his claims against Defendants Davies and Vargas -- other than that Defendant Davis is their supervisor -- which is insufficient for relation under Rule 18.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a

1 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
2 Findings and Recommendations to be supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. the Findings and Recommendations, filed on September 4, 2015, is adopted in full;
- 5 2. this action is to proceed on Plaintiff's claims (Claim 1 and Claim 2) against  
6 Defendants Davies and Vargas for retaliation in violation of the First Amendment  
7 as stated in the First Amended Complaint (Doc. 13) which was filed on October 8,  
8 2014;
- 9 3. Plaintiff's claim (Claim 9) against Defendant Davis for retaliation in violation of  
10 the First Amendment is dismissed without prejudice as its inclusion in this action  
11 violates Rule 18;
- 12 4. all other claims and Defendants are dismissed with prejudice based on Plaintiff's  
13 failure to state cognizable claims under section 1983; and
- 14 5. this action is referred back to the Magistrate Judge for directing service of process.

15  
16 IT IS SO ORDERED.

17 Dated: October 6, 2015

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