

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LACEDRIC W. JOHNSON,
Plaintiff,
vs.
Isaac Gonzalez, *et al.*,
Defendants.

1:14-cv-01252-LJO-EPG-PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 16.)
ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST
DEFENDANTS GONZALEZ AND
MARTINEZ ON PLAINTIFF'S DENIAL
OF ACCESS TO COURTS CLAIMS AND
DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS

Plaintiff Lacedric W. Johnson is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on the Second Amended Complaint filed by Plaintiff on April 22, 2016. (ECF No. 13.) 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 26, 2016, the Court entered Findings and Recommendations, recommending that this action proceed only against defendants Isaac Gonzalez and A. Martinez on Plaintiff's claims for denial of access to courts and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (ECF No. 16.) Plaintiff was provided an opportunity to file objections to the Findings and Recommendations within

1 twenty days. To date, Plaintiff has not filed objections or otherwise responded to the Findings
2 and Recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
5 the Court finds the Findings and Recommendations to be supported by the record and proper
6 analysis.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on
9 September 26, 2016, are ADOPTED in full;
- 10 2. This action now proceeds on Plaintiff's Second Amended Complaint, filed on
11 April 22, 2016, against defendants Isaac Gonzalez and A. Martinez for denial of
12 access to courts;
- 13 3. All remaining claims and defendants are DISMISSED from this action;
- 14 4. Plaintiff's claim for procedural due process is DISMISSED from this action
15 based on Plaintiff's failure to state a claim;
- 16 5. Defendant J. Benavides is DISMISSED from this action based on Plaintiff's
17 failure to state any claims upon which relief may be granted against him; and,
- 18 6. The Clerk of the Court is DIRECTED to reflect the dismissal of all defendants
19 from this action on the Court's docket, except defendants Gonzalez and
20 Martinez.

21
22 IT IS SO ORDERED.

23 Dated: October 18, 2016

/s/ Lawrence J. O'Neill
24 UNITED STATES CHIEF DISTRICT JUDGE
25
26
27
28