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

CHARLES T. DAVIS,  
Plaintiff,

v.

A. MOLINA, et al.,  
Defendants.

Case No. 1:14-cv-01554 LJO DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND DISMISSING  
CLAIMS AND DEFENDANTS

[ECF No. 15]

Plaintiff Charles T. Davis, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 13, 2013, in Fresno County Superior Court. On October 2, 2014, the case was removed to this Court. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff names Correctional Officer A. Molina, Physician Assistant R. Wilson, Sergeant Hosman, Assistant Warden J. Buckley, and R. Pimentel as Defendants. On August 3, 2015, the Magistrate Judge screened the complaint and determined that Plaintiff stated a cognizable claim of retaliation in violation of the First Amendment against Defendant Molina. The Magistrate Judge determined that Plaintiff failed to state any other claim against any other Defendant. Plaintiff was given an opportunity to file an amended complaint, or notify the Court of his willingness to proceed only on the cognizable claim. On August 24, 2015, Plaintiff filed objections to the order and stated his intention to stand on the initial complaint.

1 On October 5, 2015, the Magistrate Judge issued Findings and Recommendations that  
2 recommended the case proceed on Plaintiff's claim of retaliation against Defendants Molina and  
3 Hosman, and that Defendants Wilson, Buckley, and Pimentel and all remaining claims be  
4 DISMISSED without leave to amend. The Findings and Recommendations were served on all  
5 parties and contained notice that any objections were to be filed within thirty (30) days. On  
6 November 2, 2015, Plaintiff filed objections. Defendants did not file a reply to the objections.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted  
8 a de novo review of this case. Having carefully reviewed the entire file, the Court finds that the  
9 Findings and Recommendations are supported by the record and by proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations, filed October 5, 2015, are ADOPTED in full;
- 12 2. The case will PROCEED on Plaintiff's claim of retaliation against Defendants Molina  
13 and Hosman; Defendants Wilson, Buckley, and Pimentel and all remaining claims are  
14 DISMISSED without leave to amend;
- 15 3. Defendants Molina and Hosman are DIRECTED to file an answer within thirty (30) days  
16 of the date of service of this order; and
- 17 4. The action is REFERRED BACK to the Magistrate Judge for further proceedings.

18  
19 IT IS SO ORDERED.

20 Dated: November 19, 2015

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