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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BANUELOS,
Plaintiff,
v.
GLADYS SANDOVAL, et al.,
Defendants.

Case No. 1:14-cv-01923-MCE-SAB
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS
FOR FAILURE TO STATE A CLAIM
(ECF Nos. 5, 8, 9)
THIRTY-DAY DEADLINE

Plaintiff proceeding pro se and in forma pauperis filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 4, 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 December 31, 2014, the Magistrate Judge filed a Findings and Recommendations which was served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days. On January 20, 2015, Plaintiff filed an Objection.

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. 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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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed December 31, 2014 (ECF No. 8), are
3 ADOPTED in full;
- 4 2. Defendants Kings County Board of Supervisors are DISMISSED from this action
5 for Plaintiff's failure to state a claim against them;
- 6 3. Plaintiff's equal protection, due process, right to petition, 28 U.S.C. § 1981, and
7 IDEA claims are DISMISSED without leave to amend for failure to state a claim;
- 8 4. Plaintiff's claim under California Welfare and Institutions Code section 16010.6
9 is DISMISSED without leave to amend for failure to state a claim;
- 10 5. Plaintiff is granted leave to amend the retaliation claim based upon Defendant
11 Sandoval's refusal to allow Plaintiff to bring Stefan gifts and access the recreation
12 yard;
- 13 6. The retaliation claims in regard to all other allegations are DISMISSED with
14 prejudice;
- 15 7. Within thirty days from the date of service of this order, Plaintiff shall file an
16 amended complaint regarding only his retaliation claim against Defendant
17 Sandoval based upon the refusal to allow Plaintiff to bring Stefan gifts and access
18 the recreation yard; and
- 19 8. Failure to file a complaint in compliance with this order will result in this action
20 being dismissed for failure to state a claim.

21 IT IS SO ORDERED.

22 Dated: February 3, 2015

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25 MORRISON C. ENGLAND, JR., CHIEF JUDGE
26 UNITED STATES DISTRICT COURT
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