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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE MUHAMMAD,  
Plaintiff,  
v.  
KOMIN, MITCHELL,  
Defendants.

No. 1:15-cv-01373-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. No. 29)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. 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 January 2, 2018, the assigned magistrate judge re-screened plaintiff’s complaint, recognizing that a recent Ninth Circuit opinion, *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), had held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice absent the consent of all parties, including not yet appearing defendants, even if the plaintiff has consented to magistrate judge jurisdiction, as plaintiff had here. (Doc. No. 29.) Concurrently, the magistrate judge issued findings and recommendations recommending that all claims, except for plaintiff’s claims against defendants Komin and Mitchell for violation of his rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), be dismissed. (*Id.* at 6.) Plaintiff was provided an opportunity to file objections to those findings

1 and recommendations within fourteen days. Plaintiff has not filed objections to the findings and  
2 recommendations and the time for doing so has passed.

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, the  
5 undersigned concludes the findings and recommendations are supported by the record and proper  
6 analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued January 2, 2018 (Doc. No. 29) are adopted  
9 in full;
- 10 2. This action shall continue to proceed only on plaintiff's claim against defendants  
11 Komin and Mitchell for violation of his rights under the First Amendment and  
12 RLUIPA;
- 13 3. All other claims are dismissed for failure to state a claim upon which relief may be  
14 granted; and
- 15 4. This case is referred back to the magistrate judge for further proceedings.

16 IT IS SO ORDERED.

17 Dated: January 25, 2018

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20 UNITED STATES DISTRICT JUDGE

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