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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY COY COCHRAN,  
Plaintiff,  
v.  
S. SHERMAN, et al.,  
Defendants.

No. 1:15-cv-01388-DAD-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 51)

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action filed 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 March 16, 2017, the assigned magistrate judge screened plaintiff’s first amended complaint and found that it stated a cognizable claim against defendants Sherman and Barba for a violation of his First Amendment rights to freedom of religion. (Doc. No. 28.)

On December 21, 2017, the magistrate judge re-screened plaintiff’s first amended 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, even if the plaintiff has consented to magistrate judge jurisdiction, as plaintiff had. (Doc. No. 51.) Concurrently, the magistrate judge issued findings and recommendations recommending that the undersigned dismiss the claims found to be non-

1 cognizable. (*Id.*) The parties were given fourteen days to file objections to those findings and  
2 recommendations. No objections were filed and the time for doing so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
4 undersigned has conducted a *de novo* review of plaintiff's case. Having carefully reviewed the  
5 entire file, the undersigned concludes the findings and recommendations are supported by the  
6 record and by proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued December 21, 2017 (Doc. No. 51) are  
9 adopted in full;
- 10 2. This action shall continue to proceed only on plaintiff's claim against Defendants  
11 Sherman and Barba for a violation of his First Amendment rights to freedom of  
12 religion; and
- 13 3. All other claims and defendants are dismissed for failure to state a claim upon which  
14 relief may be granted.

15 IT IS SO ORDERED.

16 Dated: January 17, 2018

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19 UNITED STATES DISTRICT JUDGE  
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