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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PABLO HOLGUIN,
Plaintiff,
v.
R. WICKS,
Defendant.

No. 1:16-cv-00346-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. No. 29)

Plaintiff Pablo Holguin is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2017, the assigned magistrate judge screened plaintiff’s second amended complaint (Doc. No. 28) and issued findings and recommendations, recommending that this action proceed on plaintiff’s Fourteenth Amendment due process claim against defendant Wicks based on the alleged denial of plaintiff’s right to call an identified witness in his defense at his prison disciplinary hearing. (Doc. No. 29.) However, the magistrate judge recommended that plaintiff’s claims against defendant Wicks for violation of the Eighth Amendment based on an alleged false or inadequately pled Rule Violation Report (“RVR”), and for violation of the

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1 Fourteenth Amendment Due Process Clause based on the allegedly insufficient RVR, be
2 dismissed for failure to state a claim. (*Id.*)

3 The findings and recommendations were served on all parties appearing in this action, and
4 contained notice that any objections were to be filed within fourteen (14) days after service.
5 More than fourteen days have passed, and no objections have been filed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
7 de novo review of this case. Having carefully reviewed the entire file, the court finds the findings
8 and recommendations to be supported by the record and by proper analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued on June 16, 2017 (Doc. No. 29), are adopted in
11 full;
- 12 2. This action shall proceed only on plaintiff's Fourteenth Amendment due process claim
13 against defendant Wicks based on the alleged denial of plaintiff's right to call an
14 identified witness in his defense at his prison disciplinary hearing;
- 15 3. All of plaintiff's other claims against defendant Wicks, the sole named defendant, are
16 dismissed from this action; and
- 17 4. This action is referred back to the magistrate judge for further proceedings consistent with
18 this order.

19 IT IS SO ORDERED.

20 Dated: August 4, 2017

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23 UNITED STATES DISTRICT JUDGE
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