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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEBRA BERRY,

 Plaintiff,

 v.

YOSEMITE COMMUNITY COLLEGE
DISTRICT, et al.,

 Defendants.

No. 1:16-cv-00411-LJO-MJS

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

(ECF No. 10)

Plaintiff Debra Berry proceeds pro se and in forma pauperis in this in this civil rights action brought pursuant to 42 U.S.C. § 1983 and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On March 7, 2017, the Magistrate Judge screened plaintiff’s complaint and concluded that it stated the following cognizable claims: (1) a Fourteenth Amendment Equal Protection claim for compensatory and punitive damages against Defendants Jordan, Bambrosia, Carol, McCarthy, and Marks, in their individual capacities, and for injunctive relief in their official capacities; (2) a First Amendment retaliation claim for compensatory and punitive damages against Defendant Marks in his individual capacity;

1 (3) a Title VI intentional discrimination claim for injunctive relief and compensatory
2 damages against YCCD and MJC; and (4) a Title VI retaliation claim for injunctive relief
3 and compensatory damages against YCCD and MJC. The remaining claims were not
4 cognizable as pled. (ECF No. 6.) Plaintiff was ordered to file an amended complaint or
5 notify the Court in writing of her willingness to proceed only on the cognizable claims.
6 Plaintiff chose to proceed only on the cognizable claims. (ECF No. 8.) Accordingly, on
7 May 2, 2017, the Magistrate Judge issued findings and recommendations for the matter
8 to proceed only on those claims, for all other claims and defendants to be dismissed with
9 prejudice, and for the matter to be referred back to the Magistrate Judge for further
10 proceedings, including service of process. (ECF No. 10.) Plaintiff filed no objections and
11 the time for doing so has passed.

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

16 Accordingly, it is HEREBY ORDERED that:

- 17 1. The findings and recommendation filed May 2, 2017 are adopted in full;
- 18 2. Plaintiff shall proceed on the following claims: (1) a Fourteenth Amendment
19 Equal Protection claim for compensatory and punitive damages against
20 Defendants Jordan, Bambrosia, Carol, McCarthy, and Marks, in their
21 individual capacities, and for injunctive relief in their official capacities; (2) a
22 First Amendment retaliation claim for compensatory and punitive damages
23 against Defendant Marks in his individual capacity; (3) a Title VI intentional
24 discrimination claim for injunctive relief and compensatory damages
25 against YCCD and MJC; and (4) a Title VI retaliation claim for injunctive
26 relief and compensatory damages against YCCD and MJC;
- 27 3. All other claims asserted in the complaint and all other defendants are
28 dismissed with prejudice; and

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4. The matter is referred back to the Magistrate Judge for further proceedings, including the initiation of service of process.

IT IS SO ORDERED.

Dated: May 25, 2017

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