

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

4 As indicated, the Court has reviewed Plaintiff's objections, which are extensive.
5 Generally, Plaintiff argues that the Magistrate Judge erred by not finding that Defendants engaged
6 in a conspiracy to retaliate against Plaintiff, and that there were no legitimate penological
7 purposes behind their actions. As discussed throughout the findings and recommendations,
8 Plaintiff's conclusory allegations regarding Defendants' motivations, knowledge of Plaintiff's
9 prior or ongoing litigation, or meeting of the minds to violate Plaintiff's rights are insufficient to
10 state a cognizable claim. In addition, Plaintiff has provided no argument justifying joinder of the
11 cognizable excessive force claim with the other unrelated allegations in this action, aside the bare
12 assertion that it was part of a series of acts committed against him in retaliation for his First
13 Amendment conduct.

14 Accordingly, IT IS HEREBY ORDERED as follows:

- 15 1. The findings and recommendations issued on May 14, 2018, (ECF. No. 30), are
16 adopted in full;
- 17 2. This action shall proceed on Plaintiff's second amended complaint against Defendant
18 Villa for excessive force in violation of the Eighth Amendment;
- 19 3. Plaintiff's remaining claims, including Plaintiff's claim for declaratory relief, and all
20 other defendants are dismissed from this action, with prejudice, based on Plaintiff's
21 failure to state claims upon which relief may be granted; and
- 22 4. This action is referred back to the Magistrate Judge for proceedings consistent with
23 this order.

24
25 IT IS SO ORDERED.

26 Dated: October 1, 2018

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