

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW V. SALINAS,
Plaintiff,
v.
KENNETH J. POGUE, et al.,
Defendants.

No. 1:16-cv-00520-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 46)

Plaintiff Matthew V. Salinas is a 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 February 16, 2018, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed only against defendants Gomness and Palmer for violation of the ADA and related state claims. (Doc. No. 46.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within fourteen days. (*Id.*) On February 28, 2018, plaintiff filed a notice of non-opposition to the findings and recommendations, stating that he is willing to proceed in this action only against defendants Gomness and Palmer for violation of the ADA and related state claims. (Doc. No. 47.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the

1 court finds the findings and recommendations to be supported by the record and proper analysis.

2 Accordingly,

- 3 1. The findings and recommendations issued by the magistrate judge on February 16,
4 2018 (Doc. No. 46) are adopted in full;
- 5 2. This action now proceeds with plaintiff's Third Amended Complaint, filed on
6 January 19, 2018, against defendants Gomness and Palmer, for violation of the
7 ADA and related state claims;
- 8 3. All remaining claims and defendants are dismissed from this action;
- 9 4. Defendant Herrera is dismissed from this case for plaintiff's failure to state any
10 claims against him;
- 11 5. Plaintiff's claim for retaliation is dismissed from this case for plaintiff's failure to
12 state a claim;
- 13 6. The Clerk of the Court is directed to reflect the dismissal of defendant Herrera
14 from this case on the court's docket; and
- 15 7. This case is referred back to the magistrate judge for further proceedings,
16 including initiation of service of process.

17 IT IS SO ORDERED.

18 Dated: April 26, 2018

19 
20 _____
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28