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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LANELL MARTIN,

 Plaintiff,

 v.

D. DESHA, et al.,

 Defendants.

CASE No. 1:16-cv-01353-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
NON-COGNIZABLE CLAIMS**

(ECF Nos. 13, 14)

**FOURTEEN (14) DAY DEADLINE FOR
DEFENDANT TO FILE RESPONSIVE
PLEADING OR MOTION**

Plaintiff is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action was removed from the Madera County Superior Court on September 12, 2016 and 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 January 23, 2017, the Magistrate Judge screened Plaintiff's complaint and found that he stated a cognizable First Amendment retaliation claim for damages against Defendant Desha in her individual capacity, but no other cognizable claims. (ECF No.

1 14.) The Magistrate Judge issued findings and recommendations for Plaintiff to proceed
2 on the cognizable retaliation claim and for the dismissal of all other claims with prejudice.
3 (Id.). No objections were filed.

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

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9 1. The Court adopts the findings and recommendations, filed January 23,
10 2017 (ECF No. 14), in full;
- 11 2. Plaintiff shall proceed on his First Amendment retaliation claim for
12 damages against Defendant Desha in her individual capacity;
- 13 3. All other claims asserted in the second amended complaint are
14 DISMISSED with prejudice, and
- 15 4. Defendant Desha shall file a responsive pleading or motion within fourteen
16 days of this order.

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18 IT IS SO ORDERED.

19 Dated: April 11, 2017



20 SENIOR DISTRICT JUDGE

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