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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN MATIAS TORRES,

Plaintiff,

v.

CONNIE GIPSON, et al.,

Defendants.

CASE NO. 1:16-cv-01525-LJO-JLT (PC)

ORDER

- (1) ADOPTING FINDINGS AND RECOMMENDATION IN FULL;**
- (2) GRANTING DEFENDANTS' PARTIAL MOTION TO DISMISS**

(ECF Nos. 26, 38, 45)

CASE TO REMAIN OPEN

Plaintiff is a state 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 April 16, 2018, the previously-assigned magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections, and Defendants have filed a response. Plaintiff has also filed a request for extension of time to file a sur-reply (ECF No. 45) and the sur-reply itself. Plaintiff's request will be granted.

1 The Court has reviewed the file and finds the findings and recommendations to be supported
2 by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
3 that:

- 4 1. Plaintiff's June 20, 2018, motion for extension of time (ECF No. 45) is granted;
- 5 2. The findings and recommendations filed April 16, 2018 (ECF No. 38), are adopted in
6 full;
- 7 3. Defendants' partial motion to dismiss (ECF No. 26) is GRANTED. The action shall
8 proceed only on Plaintiff's claims for First Amendment retaliation against Defendants
9 Smith, Prince, Henderson, Mayo, Galaviz, and Weaver for approving Plaintiff's transfer
10 to Pelican Bay in retaliation for Plaintiff's protected First Amendment activity of filing
11 a prison grievance. All other claims and Defendants are dismissed.
- 12 4. Case to remain open.

13
14 IT IS SO ORDERED.

15 Dated: August 13, 2018

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