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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DESHAWN D. LESLIE,  
Plaintiff,  
vs.  
MADRIGAL, et al.,  
Defendants.

Case No. 1:16-cv-01698-AWI-SKO (PC)  
**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS ON  
DEFENDANTS' MOTION TO DISMISS**  
(Doc. Nos. 29, 34)  
**TWENTY-ONE DAY DEADLINE**

Plaintiff, Deshawn D. Leslie, is a state prisoner proceeding *pro se* and *in forma pauperis* with 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. Plaintiff is proceeding on his Third Amended Complaint. (Doc. 21.) Defendants filed a motion to dismiss. (Doc. 29.) Plaintiff filed an opposition (Doc. 32), but Defendants did not file a reply. On January 3, 2019, the Magistrate Judge recommended Defendants' motion be granted in part and denied in part and that Plaintiff be given opportunity to amend his allegations on his claims under the Equal Protection Clause in Claim II. (Doc. 34.) The Findings and Recommendations was served that same day and provided twenty-one days for the parties to file objections. More than the allowed time has passed and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b), this Court has reviewed the  
2 matter and finds the Findings and Recommendations to be supported by the record and by proper  
3 analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations issued on January 3, 2019 (Doc. No. 34) is  
6 ADOTPED;
- 7 2. Defendants' motion to dismiss (Doc. No. 29) any claims under the Equal Protection  
8 Clause in Claim II is GRANTED; and
- 9 3. To the extent that Plaintiff wishes to plead an Equal Protection Clause cause of action  
10 in Claim II, within fourteen (14) days from the date of service of this order Plaintiff  
11 must file a fourth amended complaint curing the deficiencies identified in the findings  
12 and recommendations;<sup>1</sup>
- 13 4. Defendants' motion to dismiss (Doc. No. 29) is otherwise DENIED; and
- 14 5. This case is referred back to the Magistrate Judge for further proceedings.

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16 IT IS SO ORDERED.

17 Dated: March 13, 2019

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20 SENIOR DISTRICT JUDGE

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28 <sup>1</sup> If Plaintiff fails to file a timely fourth amended complaint that changes the allegations under Claim II, the Claim II cause of action will be read as limited to an Eighth Amendment claim only (as discussed in the Findings and Recommendation).