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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 MATTHEW ALLEN,

12 Plaintiff,

13 v.

14 S. HUBBARD, et al.,

15 Defendants.

Case No. 1:16-cv-01751-LJO-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
SEVER AND TRANSFER OF CLAIMS
AGAINST DEFENDANT RIET AND
DISMISSAL OF REMAINING CLAIMS
AGAINST DEFENDANT MORGAN

(ECF No. 25)

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17 Plaintiff Matthew Allen ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a
19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On April 9, 2018, the assigned Magistrate Judge issued findings and recommendations
21 recommending that: (1) Plaintiff's claims against Officer Riet arising from events at Lancaster
22 State Prison be severed from this action and transferred to the Central District of California;
23 (2) Plaintiff's federal claims against Officer Morgan be dismissed from this action for failure to
24 state a claim upon which relief may be granted; and (3) Plaintiff's state law claims be dismissed
25 without prejudice. (ECF No. 25.) Those findings and recommendations were served on Plaintiff
26 and contained notice that any objections thereto were to be filed within fourteen (14) days after
27 service. (*Id.* at 6.) Plaintiff timely filed objections on April 19, 2018. (ECF No. 26).

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1 In his objections, Plaintiff merely states that he feels that this case could be settled for
2 \$500 to \$1,500, and argues that he has clearly been a victim of CDC's negligence. However,
3 none of Plaintiff's objections provide a legal basis on which to question the Magistrate Judge's
4 findings and recommendations.

5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
6 *de novo* review of the case and carefully reviewed the entire file, including Plaintiff's objections.
7 The Court concludes that the Magistrate Judge's findings and recommendations are supported by
8 the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on April 9, 2018, (ECF No. 25), are adopted in
11 full;
- 12 2. Plaintiff's claims against Officer Riet arising from events at Lancaster State Prison are
13 severed from this action and transferred to the Central District of California;
- 14 3. Plaintiff's federal claims against Officer Morgan are dismissed from this action for failure
15 to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A;
- 16 4. Plaintiff's state law claims are dismissed without prejudice;
- 17 5. This action is dismissed due to Plaintiff's failure to state a claim; and
- 18 6. The Clerk of the Court is directed to close this case.

19
20 IT IS SO ORDERED.

21 Dated: April 23, 2018

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