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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,

 Plaintiff,

 v.

FERRSO, et al.,

 Defendants.

No. 1:16-cv-01813-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING IN
PART DEFENDANTS’ MOTION TO
DISMISS

(Doc. Nos. 25, 40)

Plaintiff Michael Gonzales is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On November 30, 2017, the assigned magistrate judge issued findings and recommendations, recommending that defendants’ motion to dismiss (Doc. No. 25) be granted in part and denied in part. (Doc. No. 40.) The findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within fourteen days. To date, neither party has filed objections, and the time for doing so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of the matter. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly,

1. The findings and recommendations issued November 30, 2017 (Doc. No. 40) are adopted in full;
2. Defendants' motion to dismiss (Doc. No. 25) is granted in part and denied in part;
3. This action proceeds only against defendants Garcia, Brosman, B. Zavala, Herrick, Tacara, Franklin, Rodriguez, Escalante, and Davis on plaintiff's claim alleging violation of his right to due process under the Fourteenth Amendment;
4. These remaining defendants are directed to file an appropriate responsive pleading in accordance with Rule 12(b)(4) of the Federal Rules of Civil Procedure;
5. All remaining claims and defendants are dismissed from this action; and
6. The case is referred back to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: January 29, 2018


UNITED STATES DISTRICT JUDGE