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

RICKY RIVERA,
Plaintiff,
v.
DAVE DAVEY, *et al.*,
Defendants.

Case No. 1:16-cv-01817-AWI-BAM (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS**
(ECF No. 33)

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

On February 11, 2020, the assigned Magistrate Judge issued findings and recommendations recommending that this action proceed on Plaintiff's second amended complaint against Defendants Robicheaux, Chapoleun, and Crain for violations of the Free Exercise Clause of the First Amendment and against Defendant Davey for a deficient policy that violates the Free Exercise Clause of the First Amendment, and that all other claims and defendants be dismissed from the action. (ECF No. 33.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 12.) No objections have been filed and the time in which to do so has now passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds that the
3 findings and recommendations are supported by the record and proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations issued on February 11, 2020, (ECF No. 33),
6 are adopted in full;
- 7 2. This action shall proceed on Plaintiff's second amended complaint, filed on
8 September 20, 2019, (ECF No. 32), against Defendants Robicheaux, Chapoleun,
9 and Crain for violations of the Free Exercise Clause of the First Amendment and
10 against Defendant Davey for a deficient policy that violates the Free Exercise
11 Clause of the First Amendment;
- 12 3. All other claims and defendants are dismissed from this action based on Plaintiff's
13 failure to state a claim upon which relief may be granted; and
- 14 4. This action is referred back to the assigned Magistrate Judge for further
15 proceedings.

16 IT IS SO ORDERED.

17 Dated: March 13, 2020

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19 SENIOR DISTRICT JUDGE