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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,
Plaintiff,
v.
MCDOUGALL, et al.,
Defendants.

No. 1:17-cv-00201-DAD-GSA

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 19)

Plaintiff William J. Gradford is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 February 13, 2017, plaintiff filed the complaint commencing this action. (Doc. No. 1.) Plaintiff named as defendants five Stanislaus County Sheriff Deputies: McDougall, Tiexiera, McCarthy, Meservey, and Safford. On October 24, 2017, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed only against defendants Tiexiera and McCarthy for retaliation in violation of the First Amendment, and that all other claims and defendants be dismissed from this action based on plaintiff's failure to state a claim. (Doc. No. 19.) The parties were provided fourteen days to file objections to those findings and recommendations. (*Id.*) On November 2, 2017, plaintiff provided notice that he had no objections to those findings and recommendations. (Doc. No. 20.)

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

4 Accordingly,

- 5 1. The findings and recommendations issued on October 24, 2017 (Doc. No. 19) are
6 adopted in full;
- 7 2. This action now proceeds on plaintiff's initial complaint (Doc. No. 1) against
8 defendants Tiexiera and McCarthy for retaliation in violation of the First
9 Amendment;
- 10 3. All other claims and defendants are dismissed from this action;
- 11 4. Plaintiff's claims concerning mail interference, failure to protect him, and false
12 disciplinary charges are dismissed from this action for violation of Rule 18 and
13 plaintiff's failure to state a claim; and
- 14 5. Defendants McDougall, Meservey, and Safford are dismissed from this action for
15 violation of Rule 18 and plaintiff's failure to state any claims upon which relief
16 may be granted against them;
- 17 6. The Clerk is directed to reflect the dismissal of defendants McDougall, Meservey,
18 and Safford from this action on the court's docket; and
- 19 7. This case is referred back to the magistrate judge for further proceedings,
20 including initiation of service of process.

21 IT IS SO ORDERED.

22 Dated: January 11, 2018

23 
24 _____
25 UNITED STATES DISTRICT JUDGE

26 _____
27 ¹ As discussed in the findings and recommendations, dismissal of plaintiff's claim against
28 defendant McDougall is warranted because that claim is unrelated to plaintiff's claims against
defendants Tiexiera and McCarthy. However, if plaintiff wishes to pursue his claim against
McDougall, he may do so by initiating a separate action setting forth that claim in a complaint.