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

MELVIN RAY BRUMMETT, JR.,) Case No.: 1:16-cv-01400-AWI-SAB (PC)
)
Plaintiff,)
)
v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, FINDING THIS ACTION
) SHALL PROCEED ON PLAINTIFF’S
) RETALIATION CLAIM AGAINST DEFENDANT
R.A. DEAN, et al.,) DEAN, SEVERING RETALIATION CLAIM
) AGAINST DEFENDANT RIVERO, AND
Defendants.) DISMISSING ALL OTHER CLAIMS AND
) DEFENDANTS
)
) [ECF Nos. 1, 8, 9, 10]
)

Plaintiff Melvin Ray Brummett, Jr. is appearing pro se and in forma pauperis in 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. On March 10, 2017, the Magistrate Judge filed a Findings and Recommendations recommending that this action proceed on Plaintiff’s retaliation claims against Defendants Dean and Rivero, subject to severance, and dismissing all other claims and Defendants. The Findings and Recommendations were served on Plaintiff and contained notice that objections to were to be filed within fourteen days. No objections were filed and the time period to do so has expired.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed on March 10, 2017, are adopted in full;
- 6 2. This action shall proceed on Plaintiff's retaliation claim against Defendant Dean only;
- 7 3.. Plaintiff's retaliation claim against Defendant Rivero is severed from this action and the
8 Clerk of the Court is directed to open a new case entitled Melvin Ray Brummett, Jr. v.
9 J. Rivero which shall be assigned to Magistrate Judge Stanley A. Boone and in which
10 this order and all preceding docket entries shall be entered;¹
- 11 4. All other claims and Defendants are dismissed from the action for failure to state a
12 cognizable claim for relief; and
- 13 5. The matter is referred back to the Magistrate Judge for initiation of service of process.

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16 IT IS SO ORDERED.

17 Dated: May 5, 2017


18 SENIOR DISTRICT JUDGE

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28 ¹ Once a new case has been opened for Plaintiff, the Court will direct the Clerk of Court to issue service documents for Plaintiff to complete and return so that service of process may be initiated.