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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	GERALD LEE MILLER,	No. 1:17-cv-01309-DAD-SAB
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND
14	CORRECTIONAL OFFICER J. NAVARRO, et al.,	<u>RECOMMENDATIONS REGARDING</u> <u>DISMISSAL OF ACTION FOR FAILURE TO</u> STATE A CLAIM
15	Defendants.	
16	Derendants.	(Doc. No. 18)
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18	Plaintiff Gerald Lee Miller, a state prisoner, is proceeding pro se and in forma pauperis in	
19	this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States	
20	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
21	On April 10, 2018, the assigned magistrate judge issued findings and recommendations	
22	recommending that this action proceed only on plaintiff's claim against defendants Florse,	
23	Marquez, and Xayoudom for retaliation in violation of the First Amendment. (Doc. No. 18 at 19–	
24	20.) The magistrate judge further recommended that the court dismiss the following: plaintiff's	
25	claims brought against officer Navarro for deliberate indifference in violation of the Eighth	
26	Amendment and retaliation in violation of the First Amendment without prejudice, as improperly	
27	joined; plaintiff's claim for declaratory relief; plaintiff's claim for injunctive relief; and all other	
28	claims and defendants due to plaintiff's failur	e to state a claim upon which relief may be granted.

1	(Id.) Plaintiff was given fourteen days to file objections to those findings and recommendations.		
2	(Id.) Plaintiff filed no objections, and the time for doing so has now passed.		
3	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this		
4	court has conducted a <i>de novo</i> review of this case. Having carefully reviewed the entire file, the		
5	court finds the findings and recommendations to be supported by the record and proper analysis.		
6	Accordingly,		
7	1.	The findings and recommendations issued April 10, 2018 (Doc. No. 18) are	
8		adopted in full;	
9	2.	This action now proceeds only on plaintiff's claim brought against defendants	
10		Florse, Marquez, and Xayoudom for retaliation in violation of the First	
11		Amendment;	
12	3.	Plaintiff's claims against defendant Navarro for deliberate indifference in violation	
13		of the Eighth Amendment and retaliation in violation of the First Amendment are	
14		dismissed, without prejudice, as improperly joined;	
15	4.	Plaintiff's claims for declaratory relief and for injunctive relief are dismissed as	
16		not cognizable;	
17	5.	All other claims and defendants are dismissed due to plaintiff's failure to state a	
18		claim upon which relief may be granted; and	
19	6.	This matter is referred back to the assigned magistrate judge for issuance of	
20		service of process.	
21	IT IS SO ORDERED.		
22	Dated <sup>.</sup>	August 21, 2018 Jale A. Dryd	
23		UNITED STATES DISTRICT JUDGE	
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