

1 undersigned's adoption of the findings and recommendations. (Doc. No. 14.) On July 16, 2018,
2 plaintiff filed a motion seeking a court order on his pending motion. (Doc. No. 15.)

3 On July 26, 2018, the magistrate judge currently assigned to this case issued findings and
4 recommendations recommending that this action be re-opened and that plaintiff's motion to
5 amend the complaint and his motion for reconsideration be granted in part. (Doc. No. 16.) The
6 findings and recommendations were served on the parties and contained notice that any
7 objections thereto were to be filed within fourteen days. (*Id.* at 12.) Plaintiff timely filed
8 objections on August 13, 2018. (Doc. No. 17.)

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
10 conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
11 undersigned concludes the findings and recommendations are supported by the record and by
12 proper analysis.

13 In his objections, plaintiff provides great detail regarding alleged violations of institutional
14 policies and his administrative grievances. (*See, e.g.*, Doc. No. 17 at 6, ¶¶ 17–18.) However, as
15 discussed by the magistrate judge's pending findings and recommendations, the mere violation of
16 state regulations or denial of an inmate's administrative grievances does not establish
17 constitutional violations. (Doc. No. 16 at 7–9.) Plaintiff presents no new arguments or
18 allegations that provide a legal basis on which to question the magistrate judge's findings and
19 recommendations.

20 Nonetheless, the undersigned agrees with the magistrate judge's recommendation that
21 plaintiff's motion to amend and motion for reconsideration be granted in part. To the extent that
22 plaintiff's complaint does not challenge the duration of his sentence, he is not precluded from
23 bringing such claims in a civil rights action. (*See id.* at 5.) Additionally, the magistrate judge
24 recommended that plaintiff's equal protection and due process claims should be dismissed with
25 prejudice. (*Id.* at 9–11.) In reviewing plaintiff's extensive objections, the undersigned agrees that
26 plaintiff will be unable to allege additional facts that would support such claims, and thus the
27 granting of further leave to amend would be futile. However, further leave to amend will be
28 granted with respect to plaintiff's retaliation claim.

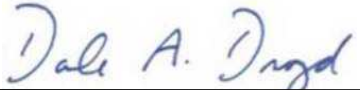
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Accordingly:

1. The findings and recommendations issued July 26, 2018 (Doc. No. 16) are adopted in full;
2. This action is reopened;
3. Plaintiff's motion to amend and motion for reconsideration (Doc. No. 14) is granted in part;
4. Plaintiff's complaint is dismissed with leave to amend only as to his retaliation claim, and all other claims and defendants are dismissed with prejudice;
5. Plaintiff shall, within twenty-eight days after the filing date of this order, file and serve an amended complaint that cures the defects noted in this order, and complies with the Federal Rules of Civil Procedure and the Local Rules of Practice.

IT IS SO ORDERED.

Dated: August 30, 2018



UNITED STATES DISTRICT JUDGE