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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN GRIGSBY,  
Plaintiff,  
v.  
C. PFEIFFER, et al.,  
Defendants.

No. 1:17-cv-01384-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 35)

Plaintiff Jonathan Grigsby 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 July 11, 2019, the assigned magistrate judge issued findings and recommendations recommending that this action proceed only on plaintiff’s First Amendment retaliation claim against defendant M. Hernandez and that all other claims and defendants be dismissed. (Doc. No. 35.) 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 2.) On August 2, 2019, plaintiff filed untimely objections to the findings and recommendations.<sup>1</sup> (Doc. No. 36.)

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<sup>1</sup> Plaintiff also filed objections on September 25, 2019. (Doc. No. 37.) These objections are missing the second page and include two additional pages of exhibits, but otherwise appear to be identical to plaintiff’s August 2, 2019 objections.

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

5 Out of an abundance of caution, the undersigned has reviewed plaintiff's untimely  
6 objections. In those objections, plaintiff states that he is ready to proceed on his First  
7 Amendment retaliation claim against defendant M. Hernandez. (Doc. No. 36 at 1.) Nevertheless,  
8 plaintiff subsequently reiterates conclusory allegations from his "Amended Complaint and  
9 Demand for Jury Trial," (Doc. No. 34), which the magistrate judge construed as notice of  
10 plaintiff's intent to stand on his first amended complaint. (Doc. No. 35 at 1.) The undersigned  
11 agrees with the magistrate judge's interpretation and construes plaintiff's objections as further  
12 notice of his intent to stand on his first amended complaint.

13 Accordingly:

- 14 1. The findings and recommendations filed July 11, 2019, (Doc. No. 35), are adopted in  
15 full;
- 16 2. This action shall proceed only on plaintiff's First Amendment retaliation claim against  
17 defendant M. Hernandez, and all other claims and defendants are dismissed from this  
18 action; and
- 19 3. This matter is referred back to the magistrate judge for further proceedings consistent  
20 with this order.

21 IT IS SO ORDERED.

22 Dated: April 16, 2020

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25 UNITED STATES DISTRICT JUDGE  
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