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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENRIQUE HUAPAYA,  
Plaintiff,  
v.  
D. DAVEY, et al.,  
Defendants.

No. 1:17-cv-01441-DAD-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 23)

Plaintiff Enrique Huapaya is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983, alleging violations of his First and Fourteenth Amendment rights, as well as violations of the Bane Act, California Civil Code § 52.1, and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C.A. § 2000cc-1. (Doc. No. 21.) 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 December 4, 2018, the assigned magistrate judge screened plaintiff’s initial complaint, found plaintiff had failed to allege facts showing any defendant violated his rights, and granted plaintiff leave to file an amended complaint. (Doc. No. 8.) On March 14, 2018, the magistrate judge screened plaintiff’s first amended complaint, and found plaintiff had failed to allege facts supporting some of his claims but sufficiently pled facts supporting other claims. (Doc. No. 17.) However, the magistrate judge also found plaintiff did not properly plead a demand for relief and,

1 therefore, granted plaintiff leave to file a second amended complaint. (*Id.*) On June 6, 2018, after  
2 plaintiff filed his second amended complaint, the magistrate judge issued findings and  
3 recommendations, recommending that the claims alleging violations of the Free Exercise Clause  
4 of the First Amendment and RLUIPA be dismissed for a failure to state a cognizable claim for  
5 relief. (Doc. No. 23.) The findings and recommendations were served on plaintiff and contained  
6 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*)  
7 On July 5, 2018, plaintiff filed a response to the findings and recommendations, indicating he did  
8 not object to the findings and recommendations and that he wished to proceed only on the claims  
9 the magistrate judge had found to be cognizable. (Doc. No. 24.)

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

13 Accordingly,

- 14 1. The findings and recommendations issued on June 6, 2018 (Doc. No. 23) are  
15 adopted in full; and
- 16 2. This action now proceeds only on: (1) plaintiff's retaliation and Bane Act claims  
17 against defendants Witt, Satterfield, Pauk, and Ratcliff; and (2) plaintiff's equal  
18 protection claims against defendants Pisciotta and Witt; and
- 19 3. This case is referred back to the magistrate judge for further proceedings.

20 IT IS SO ORDERED.

21 Dated: October 5, 2018

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24 UNITED STATES DISTRICT JUDGE