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

SAM DRAKE,)	Case No.: 1:17-cv-01500-AWI-SAB (PC)
)	
Plaintiff,)	
)	
v.)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, DISMISSING CERTAIN
SCOTT KERNAN, et al.,)	CLAIMS, AND REFERRING THE MATTER
)	BACK TO THE MAGISTRATE JUDGE FOR
Defendants.)	INITIATION OF SERVICE OF PROCESS
)	
)	[ECF Nos. 26, 27, 28]
)	

Plaintiff Sam Drake is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 10, 2018, the Magistrate Judge filed Findings and Recommendations recommending that this action proceed against Defendants Navarro, Gonzales, Allison, Sexton, Moak, and McCabe for conspiracy and failure to protect, against Defendants Navarro and Gonzales for serving contaminated food and retaliation, and against Defendant Gonzales for a due process violation. (ECF No. 28.) It was also recommended that Plaintiff’s due process allegation regarding false allegations and confiscation of his television and request for declaratory relief be dismissed for failure to state a cognizable claim for relief, and Plaintiff’s motion for appointment of counsel be denied. (Id.) The Findings and Recommendations were served on Plaintiff and contained notice that objections were to be filed within thirty (30) days. (Id.) On July 2, 2018, Plaintiff filed a notice indicating that he has no intentions of filing any objections. (ECF No. 30.)

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 May 10, 2018, Findings and Recommendations (ECF No. 28) are adopted in full;
- 6 2. This action shall proceed against Defendants Navarro, Gonzales, Allison, Sexton,
7 Moak, and McCabe for conspiracy and failure to protect, against Defendants Navarro
8 and Gonzales for serving contaminated food and retaliation, and against Defendant
9 Gonzales for a due process violation;
- 10 3. Plaintiff's due process allegation regarding false allegations and confiscation of his
11 television and request for declaratory relief are dismissed for failure to state a
12 cognizable claim for relief;
- 13 4. Plaintiff's motion for appointment of counsel is denied; and
- 14 5. The matter is referred back to the assigned Magistrate Judge for initiation of service of
15 process.

16
17 IT IS SO ORDERED.

18 Dated: August 1, 2018

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20 SENIOR DISTRICT JUDGE