

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
2 undersigned has conducted a *de novo* review of this case. The undersigned concludes the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. The findings and recommendations issued on October 25, 2018 (Doc. No. 17), are
6 adopted in full;
- 7 2. This action proceeds on Plaintiff's first amended complaint for deliberate
8 indifference to safety in violation of the Eighth Amendment against Defendants E.
9 Hennesay and J. Odle, for moving him to an upper bunk on December 28, 2015,
10 and against Defendant A. Iverson for authoring a false 115 RVR report in
11 retaliation for filing a grievance, in violation of the First Amendment;
- 12 3. Plaintiff's claims for declaratory and injunctive relief are dismissed.
- 13 4. All other claims and defendants are dismissed for the failure to state a claim upon
14 which relief may be granted; and
- 15 5. This matter is referred back to the assigned Magistrate Judge for further
16 proceedings consistent with this order.

17 IT IS SO ORDERED.

18 Dated: December 18, 2018

19 
20 SENIOR DISTRICT JUDGE