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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
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10 JOEY ERWIN,

11 Plaintiff,

12 v.

13 PAM AHLIN, et al.,

14 Defendants.  
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Case No. 1:18-cv-00050-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
CERTAIN CLAIMS, AND REFERRING  
MATTER BACK TO MAGISTRATE JUDGE  
FOR INITIATION OF SERVICE OF  
PROCESS

(ECF Nos. 10, 11)

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17 Plaintiff Joey Erwin, a civil detainee, is appearing pro se and in forma pauperis in this civil  
18 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate  
19 judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On April 5, 2018, the magistrate judge filed a findings and recommendations  
21 recommending that certain claims be dismissed for failure to state a claim. The findings and  
22 recommendations was served on Plaintiff and contained notice that any objections to the findings  
23 and recommendations were to be filed within thirty days from the date of service. On May 2,  
24 2018, Plaintiff filed a notice informing the Court that he wished to proceed on the claims found  
25 to be cognizable in the findings and recommendations.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
27 de novo review of this case. Having carefully reviewed the entire file, the Court finds the  
28 findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations, filed April 5, 2018, is ADOPTED IN FULL;
- 3 2 This action shall proceed on Plaintiff's first amended complaint, filed March 26,
- 4 2018, against Defendants Ahlin and Price in their official capacity for a condition of
- 5 confinement and deprivation of property claim based on the ban on ownership of
- 6 electronic devices and items;
- 7 3. All other claims are dismissed for failure to state a claim;
- 8 4. Plaintiff's request for declaratory relief is dismissed; and
- 9 5. The matter is referred back to the magistrate judge for initiation of service of
- 10 process.

11 IT IS SO ORDERED.

12 Dated: May 7, 2018

13 /s/ Lawrence J. O'Neill  
14 UNITED STATES CHIEF DISTRICT JUDGE