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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TAYLOR GAMINO,
Plaintiff,
v.
YOSEMITE COMMUNITY COLLEGE
DISTRICT, et al.,
Defendants.

Case No. 1:18-cv-00391-LJO-SAB
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS
FOR PLAINTIFF'S FAILURE TO STATE A
CLAIM
(ECF No. 10)

Plaintiff Taylor Gamino filed this civil rights action pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act on March 22, 2018. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff filed a first amended complaint on June 21, 2018.

On July 10, 2018, the magistrate judge filed a findings and recommendations recommending dismissal of certain claims and defendants. The findings and recommendations was served on Plaintiff and contained notice that any objections to the findings and recommendations were to be filed within thirty days from the date of service. The period for filing objections has passed and no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the

1 findings and recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations, filed July 10, 2018, is ADOPTED IN FULL;
- 4 2. This action shall proceed on Plaintiff's first amended complaint against Defendant
5 Peterson for retaliation in violation of the First Amendment; and against
6 Defendants Yosemite Community College District and Modesty Junior College
7 for discrimination in violation of the Americans with Disabilities Act and
8 Rehabilitation Act for failing to provide access to the testing center during
9 evening classes;
- 10 2. The remaining claims are dismissed without leave to amend for failure to state a
11 claim;
- 12 3. Defendants Banuelos and Bautista are dismissed from this action for Plaintiff's
13 failure to state a claim against them; and
- 14 4. This matter is referred back to the magistrate judge to initiate service of process.

15 IT IS SO ORDERED.

16 Dated: August 17, 2018

17 /s/ Lawrence J. O'Neill
18 UNITED STATES CHIEF DISTRICT JUDGE