

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD SCOTT KINDRED,
Plaintiff,
v.
CLIFF ALLENBY, et al.,
Defendants.

No. 1:18-cv-00554-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 19)

Plaintiff, Richard Scott Kindred, a civil detainee at the Coalinga State Hospital (“CSH”), is proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. 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 July 8, 2019, the assigned magistrate judge entered findings and recommendations recommending that the case proceed on plaintiff’s third amended complaint on the following claims: violation of the Fourth Amendment right against unreasonable search and seizure against defendants Brandon Price, J. Corona, Jorge Lopez, and John/Jane Does 1–5; violation of the First Amendment right to free exercise of religion against defendants J. Corona and Jorge Lopez; and violation of the First Amendment right of access to the courts against defendants John/Jane Does 6–10. (Doc. No. 19 at 18.) In addition, the magistrate judge recommended that all other claims

////

1 asserted and defendants named in the third amended complaint be dismissed for failure to state a
2 claim. (*Id.*)

3 Plaintiff was provided an opportunity to file objections to the findings and
4 recommendations within twenty-one days. Plaintiff has not filed any objections and the time to
5 do so has passed.

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

10 Accordingly:

- 11 1. The findings and recommendations entered July 8, 2019 (Doc. No. 19) are adopted in
12 full;
- 13 2. This action now proceeds against defendants Brandon Price, J. Corona, Jose Lopez, and
14 John/Jane Does 1–5 for violation of plaintiff’s Fourth Amendment right to be free from
15 unreasonable search and seizure; against defendants J. Corona and Jose Lopez for
16 violation of plaintiff’s First Amendment right to freely exercise his religion; and against
17 John/Jane Does 6–10 for violation of plaintiff’s First Amendment right of access to the
18 courts;
- 19 3. All other claims asserted and defendants named in the third amended complaint are
20 dismissed with prejudice for failure to state a claim; and
- 21 4. This case is referred back to the assigned magistrate judge for further proceedings.

22 IT IS SO ORDERED.

23 Dated: October 17, 2019

24 
25 _____
26 UNITED STATES DISTRICT JUDGE
27
28