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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARROD GORDON,

Plaintiff,

v.

SHELIA MARQUEZ, et al.,

Defendants.

No. 1:18-cv-01223-DAD-SAB (PC)

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

(Doc. No. 11)

Plaintiff Jarrod Gordon is proceeding *pro se* and *in forma pauperis* in 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 October 4, 2018, the assigned magistrate judge screened plaintiff’s complaint and found that plaintiff stated a cognizable claim against defendants Marquez, Gipson, Yang, and Westcare for denial of free exercise of religion and equal protection, and a cognizable claim against defendant Marquez for retaliation. (Doc. No. 8.) The magistrate judge found that plaintiff did not state any other cognizable claims for relief. (*Id.*) The magistrate judge granted plaintiff leave to amend the complaint or notify the court in writing of his intent to proceed only on the claims found cognizable. (*Id.*)

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1 On October 17 and 18, 2018, plaintiff notified the court of his intent to proceed only on
2 the claims found to be cognizable in the screening order. (Doc. Nos. 9, 10.) As a result, on
3 October 19, 2018, the magistrate judge issued findings and recommendations recommending that
4 this action proceed on the claims outlined above, and that all other claims be dismissed from the
5 action. (Doc. No. 11.) The findings and recommendations were served on plaintiff and contained
6 notice that any objections thereto were to be filed within fourteen days. (*Id.*) Plaintiff did not file
7 objections and time period for doing so has expired.

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

11 Accordingly:

- 12 1. The finding and recommendations issued on October 19, 2018 (Doc. No. 11) are
13 adopted in full;
- 14 2. This action shall proceed against defendants Marquez, Gipson, Yang, and
15 Westcare for denial of free exercise of religion and equal protection, and against
16 defendant Marquez for retaliation;
- 17 3. All other claims are dismissed from this action for failure to state a cognizable
18 claim for relief; and
- 19 4. The matter is referred back to the magistrate judge for initiation of service of
20 process.

21 IT IS SO ORDERED.

22 Dated: **December 20, 2018**

23 
UNITED STATES DISTRICT JUDGE