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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KEITH ROBERT LUGO,
Plaintiff,
v.
R. FISHER, et al.,
Defendants.

Case No. 1:19-cv-00039-LJO-SAB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS
(ECF No. 24)

Plaintiff Keith Robert Lugo is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This 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 15, 2019, the assigned Magistrate Judge issued findings and recommendations that this action proceed on Plaintiff’s second amended complaint against Defendants Mayfield, Caitlan, and Angelina for interference with mail in violation of the First Amendment, and that all other claims be dismissed. (ECF No. 24.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 9.) More than thirty days have passed since the findings and recommendations were served, 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 that the

1 Magistrate Judge's findings and recommendations are supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations issued on July 15, 2019, (ECF No. 24), are
5 adopted in full;
- 6 2. This action shall proceed on Plaintiff's second amended complaint, filed on July 3,
7 2019, (ECF No. 23), against Defendants Mayfield, Caitlan, and Angelina for
8 interference with mail in violation of the First Amendment;
- 9 3. Plaintiff's official capacity and access to the court claims are dismissed from this
10 action based on Plaintiff's failure to state claims upon which relief may be granted;
11 and
- 12 4. This action is referred back to the assigned Magistrate Judge for further
13 proceedings consistent with this order.

14 IT IS SO ORDERED.

15 Dated: September 3, 2019 /s/ Lawrence J. O'Neill
16 UNITED STATES CHIEF DISTRICT JUDGE
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