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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,
Plaintiff,
v.
J. GALLAGHER, et al.,
Defendants.

Case No. 1:19-cv-00673-AWI-EPG
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT CERTAIN
CLAIMS AND DEFENDANTS BE DISMISSED
(ECF NO. 11)

Kareem J. Howell (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on May 16, 2019. (ECF No. 1.) Magistrate Judge Erica Grosjean screened Plaintiff’s complaint. (ECF No. 9.) The court found that only the following claims should proceed past the screening stage: “retaliation in violation of the First Amendment against Defendant J. Burnes; conspiracy to retaliate in violation of the First Amendment against Defendants J. Burnes, J. Gallagher, and A. Randolph; and harassment in violation of the Eighth Amendment against Defendant J. Burnes.” (ECF No. 11, p. 2.) Plaintiff stated to the Court that he wished to proceed only on the claims found cognizable by the screening order (ECF No. 10.)

Magistrate Judge Erica Grosjean accordingly issued findings and recommendations recommending that all claims and defendants be dismissed except for “Plaintiff’s claims for

1 retaliation in violation of the First Amendment against Defendant J. Burnes; conspiracy to
2 retaliate in violation of the First Amendment against Defendants J. Burnes, J. Gallagher, and A.
3 Randolph; failure to protect in violation of the Eighth Amendment against Defendants J. Burnes,
4 J. Gallagher, and A. Randolph; and harassment in violation of the First Amendment against
5 Defendant J. Burnes.” (ECF No. 11, p. 2.)

6 Plaintiff was provided with an opportunity to file objections to the findings and
7 recommendations but did not do so.

8 In accordance with the provisions of 28 U.S.C. § 6369b(1)(B) and Local Rule 304, this
9 Court has conducted a de novo review of this matter. Having carefully reviewed the entire file,
10 the Court finds the findings and recommendations to be supported by the record and proper
11 analysis.

12 Accordingly, IT IS HEREBY ORDERED that

- 13 1. The findings and recommendations issued on November 22, 2019 (ECF No. 11) are
14 ADOPTED in full; and
- 15 2. All claims and Defendants are dismissed except for Plaintiff’s claims for retaliation in
16 violation of the First Amendment against Defendant J. Burnes; conspiracy to retaliate
17 in violation of the First Amendment against Defendants J. Burnes, J. Gallagher, and A.
18 Randolph; failure to protect in violation of the Eighth Amendment against Defendants
19 J. Burnes, J. Gallagher, and A. Randolph; and harassment in violation of the First
20 Amendment against Defendant J. Burnes.

21 IT IS SO ORDERED.

22 Dated: April 30, 2020

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25 SENIOR DISTRICT JUDGE
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