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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,

Plaintiff,

v.

A. RANDOLPH, et al.,

Defendants.

No. 1:19-cv-0735-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
NONCOGNIZABLE CLAIMS

(Doc. No. 12)

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 January 30, 2020, the magistrate judge screened complaint and found that some of the claims could proceed, while others were not cognizable as plead. (Doc. No. 10.) The magistrate judge provided plaintiff the option to stand on the complaint, proceed with it as screened, or file an amended complaint. (*Id.*) Plaintiff filed a notice of his willingness to proceed on the complaint as screened and to dismiss the claims deemed non-cognizable. (Doc. No. 11.) The magistrate judge thereafter issued findings and recommendations to dismiss the non-cognizable claims, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (Doc. No. 12.) Plaintiff has not filed objections to the findings and recommendations.

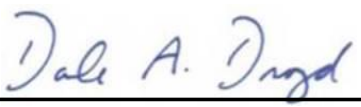
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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 25, 2020 (Doc. 12), are adopted in full;
2. This action shall proceed on a First Amendment retaliation claim against Correctional Officers Rodriguez, Randolph, and Burnes, and a Fourteenth Amendment Due Process claim against Correctional Officers Rodriguez and Randolph.
3. All other claims and defendants are hereby dismissed; and
4. This matter is referred back to the magistrate judge.

IT IS SO ORDERED.

Dated: April 14, 2020



UNITED STATES DISTRICT JUDGE