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

JAMES CATO, JR.,
Plaintiff,
v.
M. DENNING, et al.,
Defendants.

Case No. 1:19-cv-00951-LJO-SAB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS
(ECF No. 12)

Plaintiff James Cato, Jr. 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 September 4, 2019, the assigned Magistrate Judge issued findings and recommendations that this action proceed on Plaintiff’s complaint against Defendants Denning and Hillman, in their individual capacity, for violations of Plaintiff’s right to receive mail under the First Amendment, and that all other claims be dismissed. (ECF No. 12.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) No objections have been filed and the time in which to do so has now passed.

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 proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations issued on September 4, 2019, (ECF No. 12),
5 are adopted in full;
- 6 2. This action shall proceed on Plaintiff’s complaint, filed on July 11, 2019, (ECF
7 No. 1), against Defendants Denning and Hillman, in their individual capacity, for
8 violations of Plaintiff’s right to receive mail under the First Amendment;
- 9 3. All other claims are dismissed from this action based on Plaintiff’s failure to state
10 a claim upon which relief may be granted; and
- 11 4. This action is referred back to the assigned Magistrate Judge for further
12 proceedings.

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14 IT IS SO ORDERED.

15 Dated: October 4, 2019

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE

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