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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN FIGUEROA,
Plaintiff,
v.
KENNETH CLARK, et al.,
Defendants.

No. 1:19-cv-00968-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 25)

Plaintiff Ruben Figueroa 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 August 13, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be allowed to proceed on plaintiff’s first amended complaint with respect to the following cognizable claims: (1) failure to provide outside exercise in violation of the Eighth Amendment against defendants Baughman, Clark, Gallagher, Alfaro, Goss, Juarez, Hence, and Llamas; and (2) violations of the Fourteenth Amendment’s Equal Protection Clause against defendants Baughman, Clark, Goss, Hence, Gallagher, Llamas, and Gamboa. (Doc. No. 25.) The magistrate judge further recommended that all other claims and defendants be dismissed from this action based on plaintiff’s failure to state claims upon which relief may be granted and that the court decline to exercise supplemental jurisdiction over plaintiff’s state law claims. (*Id.*)

1 The findings and recommendations were served on plaintiff and contained notice that any
2 objections were to be filed within fourteen (14) days after service. (*Id.* at 20–21.) No objections
3 have been filed, and the deadline by which to do so has expired.

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

7 Accordingly,

- 8 1. The findings and recommendations issued on August 13, 2020 (Doc. No. 25) are
9 adopted;
- 10 2. This action shall proceed on plaintiff’s first amended complaint with respect to the
11 following claims:
 - 12 a. Failure to provide outside exercise in violation of the Eighth Amendment
13 against defendants Baughman, Clark, Gallagher, Alfaro, Goss, Juarez,
14 Hence, and Llamas; and
 - 15 b. Violations of the Fourteenth Amendment’s Equal Protection Clause against
16 defendants Baughman, Clark, Goss, Hence, Gallagher, Llamas, and
17 Gamboa;
- 18 3. All other federal claims and all other defendants are dismissed for failure to state a
19 claim upon which relief may be granted;
- 20 4. The court declines to exercise supplemental jurisdiction over plaintiff’s state law
21 claims; and
- 22 5. This action is referred back to the magistrate judge for proceedings consistent with
23 this order.

24 IT IS SO ORDERED.

25 Dated: December 28, 2020

26 
UNITED STATES DISTRICT JUDGE