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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	TRACY JONES,	No. 1:21-cv-01093-DAD-EPG (PC)
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, RECOMMENDING
14	STUART SHERMAN, et al.,	THAT DEFENDANTS' MOTION TO DISMISS BE GRANTED IN PART AND
15	Defendants.	THAT DEFENDANTS' REQUEST FOR JUDICIAL NOTICE BE DENIED
16		(Doc. No. 31)
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19	Plaintiff Tracy Jones is a state prisoner proceeding pro se and in forma pauperis in	
20	this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United	
21	States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
22	On March 11, 2022, the assigned magistrate judge issued findings and recommendations,	
23	recommending that the motion to dismiss filed by defendants Stuart Sherman and D. Lopez be	
24	granted in part and that defendants' request for judicial notice be denied. (Doc. No. 31.) The	
25	findings and recommendations were served on the parties and permitted them twenty-one days to	
26	file objections, and then fourteen days thereafter to file a response to any objections. (Id. at 21.)	
27	On March 29, 2022, defendants filed objections. (Doc. No. 32). To date, plaintiff has filed no	
28	response to the objections, and the time in which to do so has now passed.	
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1	In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a	
2	de novo review of the case. Having carefully reviewed the entire file, including defendants'	
3	objections, the court finds the findings and recommendations to be supported by the record and	
4	by proper analysis.	
5	Accordingly,	
6	1. The findings and recommendations issued on March 11, 2022 (Doc. No. 31) are	
7	adopted in full;	
8	2. Defendants' motion to dismiss (Doc. No. 23) is granted in part;	
9	3. Plaintiff's request for declaratory relief is dismissed, without prejudice to plaintiff	
10	filing a motion for leave to amend if a request for declaratory relief becomes necessary;	
11	4. Defendants' motion to dismiss is denied as to the request to dismiss plaintiff's	
12	claim because they are entitled to qualified immunity;	
13	5. Defendants' motion to dismiss is denied as to the request to dismiss plaintiff's	
14	request for punitive damages; and	
15	6. Defendants' request for judicial notice is denied.	
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18	IT IS SO ORDERED.	
19	Dated: <u>September 13, 2022</u> UNITED STATES DISTRICT JUDGE	
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