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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOE ALFRED TAYLOR,

 Plaintiff,

 v.

AYUB HAROUN, et al.,

 Defendants.

Case No. 1:21-cv-01109-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS CERTAIN
DEFENDANTS AND CLAIMS

(ECF No. 23)

Plaintiff Joe Alfred Taylor (“Plaintiff”) 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 January 20, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that Plaintiff’s complaint be dismissed, except for Plaintiff’s First Amendment claim against Defendants De La Cruz and Haroun, and his claim asserting an equal protection violation against Defendants De La Cruz and Haroun. (ECF No. 23.) The Magistrate Judge provided Plaintiff 14 days within which to file any objections to the findings and recommendations. (*Id.* at 2.) On February 3, 2023, Plaintiff filed his objections to the findings and recommendations. (ECF No. 24.)

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 file, including Plaintiff’s objections,

1 the Court finds the findings and recommendations to be supported by the record and proper
2 analysis.

3 In his objections, it appears that Plaintiff no longer wishes to proceed on only Claims I, II,
4 and III against Defendants Haroun and De La Cruz. (*See* ECF No. 24.) Rather, Plaintiff seems to
5 retract his notice, (ECF No. 22), to proceed on the claims that satisfied the first screening order,
6 (ECF No. 21), and objects to the dismissal of the other claims and defendants, particularly
7 Defendants Sherman and Cisneros. (*Id.*) Plaintiff argues that Defendant Cisneros had been
8 provided Plaintiff's administrative grievance and independently chose to allow Plaintiff's
9 deprivation of a religious diet to continue. (*Id.* at 2.) However, Plaintiff failed to file a second
10 amended complaint to state what each named defendant did that led to the deprivation of Plaintiff's
11 constitutional rights, as required in the first screening order, dated December 23, 2022. (*See* ECF
12 No. 21.) The time, 21 days from service of the orders, has passed. Plaintiff's objections do not
13 identify the factual allegations in his first amended complaint that indicate the named defendant's
14 linkage and causation in the alleged constitutional violations. Upon reviewing the first amended
15 complaint, the Court finds that Plaintiff refers to Defendants generally and does not sufficiently
16 allege with particularity each Defendant's alleged unlawful conduct. Therefore, the Court adopts
17 the Magistrate Judge's findings and recommendations in full.

18 Accordingly,

- 19 1. The findings and recommendations issued on January 20, 2023, (ECF No. 23), are
20 ADOPTED in full;
- 21 2. The claims in Plaintiff's complaint are DISMISSED, *except* for the claims alleging a
22 violation of Plaintiff's First Amendment rights against Defendants De La Cruz and
23 Haroun (Claims I & II) and a violation of Plaintiff's equal protection rights against
24 Defendants De La Cruz and Haroun (Claim III), pursuant to 42 U.S.C. § 1983;
- 25 3. Defendants Kathleen Allison, Ralph Diaz, Theresa Cisneros, Stuart Sherman and
26 Howard E. Mosely are DISMISSED from this action; and

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4. The matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 1, 2023



UNITED STATES DISTRICT JUDGE