IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES T. DAVIS,

Plaintiff, No. 2:05-cv-1898 JAM EFB P

vs.

D.L. RUNNELS, et al.,

Defendants. ORDER

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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 August 22, 2012, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days from the date the findings and recommendations were served. Plaintiff has filed objections to the findings and recommendations and defendants have filed a response thereto.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

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file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 22, 2012, are adopted in full;

2. Defendants' motion to dismiss plaintiff's second amended complaint (Dckt. No. 36), is granted in part;

3. Plaintiff's due process, § 1985(2), and § 1986 claims are dismissed without leave to amend;

4. Plaintiff's retaliation claims against Meier, Barnes, Wagner, and Coe, and plaintiff's § 1983 conspiracy claims are dismissed with leave to amend;

5. Plaintiff may, within thirty days, file a third amended complaint consistent with the magistrate judge's findings and recommendations regarding the scope of leave to amend;

6. The deadline for filing dispositive motions is vacated.

DATED: October 24, 2012

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE