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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY K’NAPP,

Plaintiff,

No. CIV S-05-2520 FCD CMK P

vs.

R.Q. HICKMAN, et al.,

Defendants

On September 2, 2010, the Magistrate Judge issued Findings and Recommendations, recommending that defendants’ motion for summary judgment be granted. Plaintiff filed objections and defendants filed a reply to the objections.

Having reviewed the findings and recommendations and the parties’ filings, and good cause occurring, the court declines to adopt the findings and recommendations as to claims 9 and 10 m, o and x. The findings and recommendations appear to rely on the rationale of *Heck v. Humphrey*, 512 U.S. 477 (1994) in deciding those claims, but do not discuss the other cases that discuss application of the *Heck* doctrine to retaliation claims.

As to the rest of plaintiff’s claims, the court has conducted a de novo review of this case in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304. Based on a careful review of the file, plaintiff’s objections to the findings and recommendations and defendants’ reply, the court finds the findings and recommendations as to the rest of the claims to be supported by the record and by proper analysis.

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IT IS THEREFORE ORDERED that:

1. The court declines to adopt the findings and recommendations as to claims 9 and 10 m, o and x and refers this portion of the summary judgment back to the Magistrate Judge for further consideration;

2. The court adopts the findings and recommendations as to claims 1, 3 5, 7, 8, 10 d, e, f, g, h, i, q, r, s and w, and claim 12, and grants the motion for summary judgment as to those claims.

DATED: April 7, 2011.


UNITED STATES DISTRICT JUDGE

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