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

JAMES EVANS,

Plaintiff,

No. 2:09-cv-0292-WBS-JFM (PC)

vs.

FELKER, 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 March 30, 2010, 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. Plaintiff has filed objections to the findings and recommendations.

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

1                   Accordingly, IT IS HEREBY ORDERED that:


2                   1. The findings and recommendations filed March 30, 2010, are adopted in full;

3                   2. Defendants' December 3, 2009 motion to dismiss is granted as to plaintiff's  
4 claim that his constitutional rights were violated by his transfer to High Desert State Prison and  
5 as to his claim against defendants Felker and McDonald and denied in all other respects;

6                   2. Defendants shall answer the remaining claims in plaintiff's third amended  
7 complaint within ten days from the date of this order; and

8                   3. Plaintiff's January 28, 2010 motion for temporary restraining order and/or  
9 preliminary injunction is denied.

10 DATED: May 5, 2010

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12 WILLIAM B. SHUBB  
13 UNITED STATES DISTRICT JUDGE

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