

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KENNETH MUNSON,

Plaintiff,

No. CIV S-09-0478 JAM EFB P

vs.

STATE OF CALIFORNIA,

Defendant.

ORDER

_____/

Plaintiff, a former state prisoner proceeding through counsel, 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 January 25, 2011, 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1. The findings and recommendations filed January 25, 2011, are adopted in full;

2. Defendant's June 9, 2010 motion to dismiss (Dckt. No. 29) is granted as to plaintiff's claim under the California Disabled Persons Act, plaintiff's requests for injunctive relief under the Americans with Disabilities Act and Rehabilitation Act, and any possible claim to enforce 28 C.F.R. §§ 35.105 and 35.150; and

3. In all other respects, defendant's motion to dismiss is denied.

DATED: March 25, 2011

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE