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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

K. JAMES WALKER,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 2:09-cv-0569-WBS-KJN-P

ORDER

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 January 22, 2014, the magistrate judge filed supplemental findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the supplemental findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the supplemental findings and recommendations.

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

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1 1. The supplemental findings and recommendations filed January 22, 2014, are adopted
2 in full;

3 2. Defendants' motion to dismiss (ECF No. 22, 43) plaintiff's two re-opened First
4 Amendment retaliation claims are granted in part, and denied in part, as follows:

5 a. Plaintiff's "retaliatory handcuffing claim" is dismissed without prejudice.


6 b. Plaintiff's "inmate-enemy retaliation claim" shall proceed in this action, against
7 defendants Price and Chivarria, together with the other claims previously found potentially
8 cognizable in this action (see findings and recommendations filed March 22, 2012 at ECF No.
9 35).

10 3. Plaintiff's request to reinstate his state law claims is denied.

11 4. Plaintiff may proceed on his First Amended Complaint, or on a newly-filed Second
12 Amended Complaint, no more than twenty (20) pages in length, consistent with the parameters
13 previously set forth (see findings and recommendations filed January 22, 2014, ECF No. 45 at 18
14 n.8).

15 5. Within thirty (30) days from the date of this order, plaintiff shall either inform the court
16 he intends to proceed on his First Amended Complaint, or file and serve a Second Amended
17 Complaint.

18 Dated: February 24, 2014

19 
20 WILLIAM B. SHUBB
21 UNITED STATES DISTRICT JUDGE

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