



1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed September 6, 2011, are adopted  
3 in full;

4 2. Defendants' motion to dismiss (Doc. 32) is granted in part and denied in  
5 part, as follows:

6 a. To the extent plaintiff is claiming due process violation  
7 relating to his prison disciplinary proceedings or placement in administrative  
8 segregation, such claim is dismissed for failure to state a claim;

9 b. To the extent plaintiff is claiming false imprisonment, such  
10 claim is dismissed for failure to state a claim;

11 c. To the extent plaintiff is claiming bribery, such claim is  
12 dismissed for failure to state a claim;

13 d. The motion to dismiss the retaliation claims against  
14 defendant Blim only is granted;

15 e. The motion to dismiss defendants Blim and Olivas from  
16 this action is denied;

17 f. This action shall proceed on plaintiff's excessive force,  
18 retaliation and medical treatment claims except as outlined above; and

19 3. Defendant's motion to strike (Doc. 48) is granted, and Plaintiff's motion  
20 for leave to file a surreply (Doc. 49) and request for additional time in which to do so (Doc. 46)  
21 are denied.

22 DATED: September 28, 2011.

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26 UNITED STATES DISTRICT JUDGE