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

ROBERT P. BENYAMINI,

Plaintiff,

No. CIV S-09-2602 LKK GGH P

vs.

MENDOZA, et al.,

Defendants.

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 November 16, 2010, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has submitted a filing which the court construes as 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 on November 16, 2010, are adopted
3 in full;

4 2. For the reasons set forth in the order filed on September 28, 2010, the
5 following are dismissed from this action: defendant Hamilton; any claim relating to a deprivation
6 of exercise with respect to defendants Ramirez, Hurtado, Leese, Formasi, Northerner; any claim,
7 including both an Eighth Amendment cruel and unusual punishment claim and/or a First
8 Amendment retaliation claim, regarding the manner or basis for plaintiff's cell extraction; and
9 any claim of an Eighth Amendment violation for no access to television or radio for a few days.

10 DATED: February 16, 2011.

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14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
16 UNITED STATES DISTRICT COURT
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