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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 1, 2016, are adopted in full;
2. Defendants’ motion to dismiss is denied as to plaintiff’s Eighth Amendment claim;
3. Defendants’ motion to dismiss is granted as to plaintiff’s Fourteenth Amendment claim; and
4. Defendants’ motion that plaintiff be deemed a vexatious litigant and be required to post a security is denied without prejudice.

So ordered

DATED: March 31, 2016

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE