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

HOSEA BYRD,

Plaintiff,

No. CIV S-10-0839 KJM DAD P

vs.

A. LYNN, 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2010, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed 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 file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 26, 2010, are adopted in full;

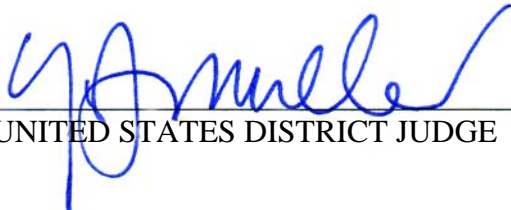
2. This action shall proceed on plaintiff's First Amendment retaliation claim against defendant Lynn;

3. Plaintiff's Due Process claims against defendants Lynn, Kelly, Hale, Martinez, and Kahn are dismissed with prejudice for failure to state a claim;

4. Plaintiff's claims against defendant Statti are dismissed with prejudice for failure to state a claim; and

5. Plaintiff's claims against defendant McDonald are dismissed with prejudice for failure to state a claim.

DATED: March 29, 2012.


UNITED STATES DISTRICT JUDGE

/byrd0839.804