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

CARL FOUNTAIN,

Plaintiff,

No. CIV S-10-2633 KJM DAD P

vs.

A. LEBRON, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding with counsel, 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 December 22, 2011, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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1983). Having carefully reviewed the file, the court finds the findings and recommendations to

1 be supported by the record and by the proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed December 22, 2011, are adopted in
4 full; and

5 2. Defendants Gonzalez and Cooper's July 18, 2011 motion to dismiss in part or
6 strike plaintiff's complaint (ECF No. 25) is granted as follows:

7 a. Plaintiff's monetary damages claims against all defendants, including
8 defendant Lebron, in their official capacities are dismissed; and

9 b. Plaintiff's request for injunctive relief, prohibiting retaliation against
10 him, is dismissed. 18 U.S.C. § 3626(a)(1)(A).

11 DATED: March 20, 2012.

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13 _____
14 UNITED STATES DISTRICT JUDGE

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