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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT CHRISTOPHER JIMENEZ,
Plaintiff,
v.
J. WHITFIELD, et al.,
Defendants.

No. 2:10-cv-2943 KJM KJN P

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 January 13, 2017, 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 fourteen days. Plaintiff has filed objections to the findings and recommendations. Defendants did not file a reply.

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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 13, 2017, are adopted in full.
2. Defendants' motion to dismiss (ECF No. 115) is granted in part, and denied in part, as

follows:

a. Defendants' motion to dismiss, as barred by res judicata, plaintiff's claim that defendant Whitfield did not provide plaintiff with an opportunity to be heard regarding the evidence used to classify plaintiff as a gang member, is denied;

b. Plaintiff's Eighth Amendment claims concerning treatment for Hepatitis C at PBSP, and his remaining due process claims concerning the sufficiency and reliability of the evidence used to validate him as a gang member, are barred by the doctrine of res judicata, and are dismissed with prejudice; and

c. Plaintiff's remaining conditions of confinement claims concerning his housing in the SHU at CSP-SOL are dismissed, with prejudice, for failure to state a claim.

3. Defendant Whitfield must answer plaintiff's claim that defendant Whitfield did not provide plaintiff with an opportunity to be heard within fourteen days.

DATED: March 20, 2017


UNITED STATES DISTRICT JUDGE