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

TONY ASBERRY,

Plaintiff,

No. 2:11-cv-2462 KJM KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding without 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 August 8, 2012, 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. (Dkt. No. 58.) Plaintiff has filed objections to the findings and recommendations. (Dkt. No. 71.)

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,

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1 the court finds the findings and recommendations to be supported by the record and by the
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed August 8, 2012 are adopted in full;
5 and

6 2. Defendant Cate and the retaliation claims against all defendants contained in
7 the third amended complaint filed June 11, 2012 (docketed as the "second amended complaint")
8 are dismissed.

9 DATED: September 27, 2012.

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13 UNITED STATES DISTRICT JUDGE
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