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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ANDREW SHIELDS,
Plaintiff,
v.
KELLY L. CANNON, et al.,
Defendants.

No. 2:11-cv-3185 JAM AC 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 18, 2013, the magistrate judge filed findings and recommendations herein 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 (ECF No. 46) and defendants have filed a response thereto (ECF No. 47). Plaintiff replied to defendants' response (ECF. No. 48).

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 entire 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 September 18, 2013, are adopted in full;

2. At plaintiff's request, his equal protection claim is dismissed without prejudice;

and

3. Defendants' motion to dismiss (ECF No. 41) is granted in part and denied in part as follows: granted as to defendants Cannon and Maness; granted as to plaintiff's claim against defendant Jones in his individual capacity; denied as to plaintiff's claim against defendant Padilla in his individual capacity, and denied as to defendants Padilla and Jones in their official capacity.

DATED: December 18, 2013

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE