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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,  
  
Plaintiff,  
  
v.  
  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,  
  
Defendants.

No. 2:12-cv-0414 MCE 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 August 30, 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. Neither party has filed objections to the findings and recommendations.


The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed August 30, 2013 (ECF No. 32) are ADOPTED in full;

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- 2. Defendant's amended motion to dismiss (ECF Nos. 25, 29) is granted;
- 3. Plaintiff's first amended complaint is dismissed;
- 4. Within thirty days of this order plaintiff may file an amended complaint setting forth his claims for monetary damages under ADA and RA and his state law claims, except for the negligent supervision claim against defendant Swarthout.

Dated: October 8, 2013

  
MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT