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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOHN HEILMAN,  
Plaintiff,  
v.  
TODD WASKO,  
Defendant.

No. 2:12-cv-1966 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 13, 2013, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed objections to the findings and recommendations.

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 13, 2013, are adopted in full; and
2. Defendant’s motion to dismiss (ECF No. 23) is granted in part, dismissing the portion of plaintiff’s claim alleging that defendant issued three retaliatory 128-B Chronos, and denied in part as to the portion of the claim alleging that defendant issued a retaliatory RVR dated October 28, 2011.

DATED: December 18, 2013

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE