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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABDIKIDAR AHMED,
Plaintiff,
v.
S. RINGLER et al.,
Defendants.

No. 2:13-cv-1050 MCE DAD 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 February 5, 2015, 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:

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1. The findings and recommendations filed February 5, 2015 (ECF No. 26), are ADOPTED in full;
2. Defendants' motion to dismiss (ECF No. 17) is GRANTED in part and DENIED in part as follows:
 - a. Defendants' motion to dismiss based on plaintiff's failure to state a claim is DENIED;
 - b. Defendants' motion to dismiss plaintiff's request for punitive damages is DENIED; and
 - c. Defendants' motion to dismiss based on the affirmative defense of qualified immunity is GRANTED as to plaintiff's retaliation claims based on plaintiff's verbal complaint but DENIED as to plaintiff's retaliation claims based on his filing of formal inmate grievances.
2. Defendant Scotland is DISMISSED from this action.
3. Within thirty days of the date of this order, defendant Ringler shall file an answer to plaintiff's remaining claim that the defendant conducted unnecessary cell searches of his living area on November 21, 2012, and May 7, 2013, in retaliation for plaintiff filing formal grievances against him.

IT IS SO ORDERED.

Dated: March 10, 2015


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