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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY L. FRANKLIN,

Plaintiff,

v.

F. FOULK, et al.,

Defendants.

No. 2:14-cv-0057 KJM AC P (TEMP)

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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 24, 2015, 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. 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 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 June 24, 2015, are adopted in full;
2. Defendants' motion to dismiss (Doc. No. 23) is granted in part and denied in part as

follows:

- a. Defendants' motion to dismiss plaintiff's claims against defendants Foulk and Zamora is granted; and
- b. Defendants' motion to dismiss plaintiff's claims against defendants Ray and Kelsey is denied.

3. Defendants Foulk and Zamora are dismissed from this action; and

4. Defendants Ray and Kelsey shall file and serve an answer in this action within thirty days of service of this order.

DATED: January 7, 2016


UNITED STATES DISTRICT JUDGE