1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ALLEN HAMMLER, No. 2:14-cv-2073 MCE AC P 12 Plaintiff, 13 **ORDER** V. 14 C. DAVIS, et al., 15 Defendants. 16 Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief 17 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On January 28, 2016, the magistrate judge filed Findings and Recommendations herein 21 which were served on all parties and which contained notice that any objections to the Findings 22 and Recommendations were to be filed within fourteen days. ECF No. 45. Neither party filed 23 objections to the Findings and Recommendations. 24 The Court has reviewed the file and finds the Findings and Recommendations to be 25 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY 26 ORDERED that: /// 27 28 /// 1

1	1. The Findings and Recommendations filed January 28, 2016 (ECF No. 45) are
2	ADOPTED IN FULL.
3	2. Defendant's Motion to Dismiss (ECF No. 33) is GRANTED in part and DENIED in
4	part. Specifically, the Motion is GRANTED to the extent it seeks dismissal of Plaintiff's claims
5	for injunctive relief, but DENIED to the extent it seeks dismissal of this action on principles of
6	res judicata.
7	3. This action proceeds on Plaintiff's pursuit of damages premised on his First and Eighth
8	Amendment claims against Defendant Davis.
9	IT IS SO ORDERED.
10	Dated: March 3, 2016
11	May The Comment of th
12	MORRISON C. ENGLAND, JR., CHIEF JUDGE
13	UNITED STATES DISTRICT COURT
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
2425	
26	
27	
28	
-	