UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW DENNIS,

Plaintiff,

v.

SCOTT KERNAN, et al.,

Defendants.

No. 2:16-cv-0542 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 February 26, 2019, 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. ECF No. 43. Plaintiff has not filed objections to the findings and recommendations (but did respond to the findings and recommendations by timely filing a Third Amended Complaint).

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 February 26, 2019, are adopted in full;

2. Defendant J. Clark Kelso is dismissed from this action with prejudice;

3. Plaintiff's recent motion for preliminary injunctive relief, ECF No. 44, is denied without prejudice;[1] and

4. This action is referred back to the magistrate judge for purposes of screening plaintiff's Third Amended Complaint pursuant to 28 U.S.C. § 1915A.

DATED: April 16, 2019

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE

[1] Accord ECF No. 43 at 20 (denying as premature plaintiff's prior motions for preliminary injunctive relief and for judgment on the pleadings, on the ground that this action has lacked an operative complaint containing cognizable claims).