UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,

Plaintiff,

v.

ORDER

D. AVILA, et al.,

Defendants.

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 12, 2020, 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. Plaintiff and defendant High Desert State Prison, specially appearing, have 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 <u>de novo</u> 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.

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed February 12, 2020, are adopted in full; 2. For the reasons identified in the magistrate judge's findings and recommendations, all claims in the third amended complaint, other than plaintiff's ADA claim against High Desert State Prison, are dismissed without leave to amend; and 3. This matter is referred back to the assigned magistrate judge to initiate service of process of the ADA claim against defendant High Desert State Prison pursuant to the Court's E-Service pilot program for civil rights cases for the Eastern District of California DATED: May 7, 2020 /s/ John A. Mendez_ UNITED STATES DISTRICT COURT JUDGE