1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JIHAD AL-HAKIM PURDY, No. 2:17-cv-2518-TLN-CKD 12 Plaintiff. 13 **ORDER** v. 14 ROBERT W. FOX, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 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 October 25, 2018, the magistrate judge filed findings and recommendations herein 21 which were served on Plaintiff and which contained notice to Plaintiff that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 17.) Plaintiff has 23 not filed objections to the findings and recommendations. 24 The Court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. 25 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 27 the file, the Court finds the findings and recommendations to be supported by the record and by 28 the magistrate judge's analysis. 1

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed October 25, 2018 (ECF No. 17), are adopted in full;
 - 2. Defendant Fox is dismissed; and
- 3. All claims against defendants Rhinehart and Scott other than (1) a claim for denial of free exercise of religion, guaranteed under the First Amendment, against defendants Rhinehart and Scott as detailed in claim 1 of Plaintiff's amended complaint, and (2) a claim for retaliation for exercise of Plaintiff's First Amendment rights against defendant Scott as detailed in claim 2 of Plaintiff's amended complaint, be dismissed.

Dated: December 18, 2018

Troy L. Nunley

United States District Judge