

1 remaining defendants. (*Id.*) Accordingly, on October 23, 2023, the assigned magistrate judge
2 issued findings and recommendations recommending that this action proceed only on the claims
3 found to be cognizable in the screening order and that all other claims and defendants be
4 dismissed from this action due to plaintiff’s failure to state a cognizable claim against them. (*Id.*
5 at 3–4.) The pending findings and recommendations were served on plaintiff and contained
6 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
7 7.) To date, no objections have been filed, and the time in which to do so has passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
10 findings and recommendations are supported by the record and proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on October 23, 2023 (Doc. No. 22) are
13 adopted in full;
- 14 2. This action shall proceed on plaintiff’s First Amendment retaliation and Eighth
15 Amendment deliberate indifference claims against defendant Lotersztain, First
16 Amendment retaliation and ADA/RA claims against defendant Blackwell, and
17 First Amendment retaliation claims against Does 1–3, as well as plaintiff’s
18 supplemental state law claims under the Bane Act and for negligence against these
19 defendants;
- 20 3. All other claims brought by plaintiff in this action are dismissed;
- 21 4. Defendants Moss, Wamble, Kuersten, Neuschmid, Popovits, Justin, Voong,
22 Arnold, Lockwood, Diaz, and Kernan are dismissed as defendants in this action;
- 23 5. The Clerk of the Court is directed to update the docket to reflect that defendants
24 Moss, Wamble, Kuersten, Neuschmid, Popovits, Justin, Voong, Arnold,
25 Lockwood, Diaz, and Kernan have been terminated from this action; and

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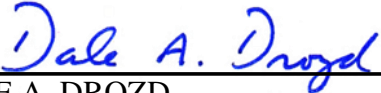
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6. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: February 5, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE