

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK McBOUNDS,
Plaintiff,
v.
D. CLAYS, et al,
Defendants.

No. 2: 19-cv-2208 KJM KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2021, the magistrate judge filed findings and recommendations, 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 twenty-one days. Neither party filed objections to the findings and recommendations.

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. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

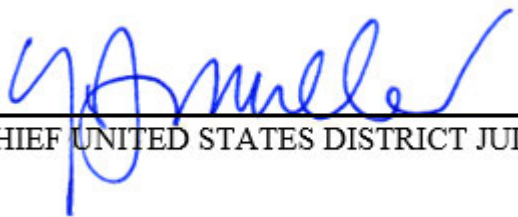
////

1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 26, 2021, are adopted in full;
- 5 2. Defendants’ motion to dismiss (ECF No. 22) is granted;
- 6 3. Plaintiff’s retaliation claims are dismissed with prejudice;
- 7 4. Plaintiff’s claim for violation of the Due Process Clause arising from the loss of his
8 personal property is dismissed without prejudice; and
- 9 5. Defendants are ordered to answer plaintiff’s remaining Fourteenth Amendment liberty
10 interest claims within fourteen days of the date of this order.

11 DATED: May 23, 2022.

12
13 
14 _____
15 CHIEF UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28