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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FERNANDO SAMANIEGO,  
Plaintiff,  
v.  
CDCR, et al.,  
Defendants.

No. 2:19-cv-02606-TLN-KJN

**ORDER**

Plaintiff, a state prisoner proceeding through counsel, 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 17, 2021, 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 thirty days. Plaintiff filed objections to the findings and recommendations.<sup>1</sup> Defendants filed a response.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the

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<sup>1</sup> Because the Doe defendants were not one of the moving parties, it was not appropriate to address such claims in ruling on the motion to dismiss. Should Plaintiff learn the identities of the Doe parties, he must promptly move to file a second amended complaint to add them as defendants.

1 Court finds the findings and recommendations to be supported by the record and by proper  
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed February 17, 2021, are ADOPTED IN FULL;  
5 and

6 2. Defendant Diaz is DISMISSED with prejudice;

7 3. Plaintiff's challenge based solely on the integration policy is DISMISSED with  
8 prejudice;

9 4. Defendant Lynch is DISMISSED without prejudice;

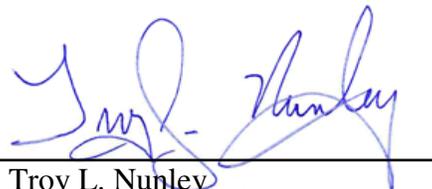
10 5. Defendant Curry is DISMISSED without prejudice;

11 6. The motion to dismiss Defendants Ramirez, Parsons, and Spangler is DENIED;

12 7. The named Defendants' motion to dismiss Plaintiff's failure to intervene claims is  
13 DENIED; and

14 8. The motion for qualified immunity as to Defendants Ramirez, Parsons, and Spangler is  
15 DENIED without prejudice.

16 DATED: March 31, 2021

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20 Troy L. Nunley  
21 United States District Judge