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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAWN EDWARD COOKS,  
  
Plaintiff,  
  
v.  
  
STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,  
  
Defendants.

No. 2:20-cv-01780-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING IN  
PART DEFENDANT CDCR’S MOTION FOR  
JUDGMENT ON THE PLEADINGS

(Doc. Nos. 20, 28)

Plaintiff Shawn Edward Cooks is a state prisoner seeking relief in this civil rights action filed pursuant to 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 June 10, 2022, the assigned magistrate judge issued findings and recommendations, recommending that the motion for judgment on the pleadings (Doc. No. 20) filed on behalf of defendant California Department of Corrections and Rehabilitations (“CDCR”) be granted in part and that plaintiff’s causes of action brought against defendant CDCR be dismissed. (Doc. No. 28.) The findings and recommendations were served on all parties and contained notice that any objections thereto were to be filed within fourteen (14) days of service. (*Id.* at 10–11.) No objections have been filed and the time to do so has since passed.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, court finds the findings and  
3 recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on June 10, 2022 (Doc. No. 28) are  
6 adopted in full;
- 7 2. Defendant CDCR's motion for judgment on the pleadings (Doc. No. 20) is granted  
8 in part as follows:
  - 9 a. Plaintiff's first cause of action as to defendant CDCR is dismissed without  
10 prejudice;
  - 11 b. Plaintiff's second, third and fourth causes of action as to defendant CDCR  
12 are dismissed with prejudice; and
- 13 3. The matter is referred back to the assigned magistrate judge for further  
14 proceedings.

15 IT IS SO ORDERED.

16 Dated: September 6, 2022

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19 UNITED STATES DISTRICT JUDGE  
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