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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL CUENTAS,
Plaintiff,
v.
P. COVELLO, et al.,
Defendants.

No. 2: 21-cv-0252 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned separately issued an order addressing plaintiff’s second amended complaint. In this order, the undersigned found that plaintiff’s second amended complaint stated a potentially colorable retaliation claim against defendant Vovkulin based on the alleged confiscation of plaintiff’s T.V. and destruction of plaintiff’s legal property during a cell search. The undersigned ordered service of defendant Vovkulin as to this claim. The undersigned found that the remaining claims in the second amended complaint did not state potentially colorable claims for relief.

For the reasons stated in the separately issued order, the undersigned herein recommends dismissal of all claims in the second amended complaint except for the potentially colorable retaliation claim against defendant Vovkulin.


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1 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall appoint a
2 district judge to this action; and

3 IT IS HEREBY RECOMMENDED that all claims in the second amended complaint, but
4 for the claim alleging that defendant Vovkulin retaliated against plaintiff by confiscating his T.V.
5 and destroying his legal property, be dismissed.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court and serve a copy on all parties. Such a document should be captioned
10 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
11 failure to file objections within the specified time may waive the right to appeal the District
12 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: June 17, 2022

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE
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