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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DEAN YANDELL,
Plaintiff,
v.
WASHINGTON, et al.,
Defendants.

No. 2:21-cv-00469-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 59)

Plaintiff Ronald Dean Yandell was, at the time of filing, a federal pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action 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 April 1, 2024, the assigned magistrate judge screened plaintiff’s third amended complaint and found that plaintiff had sufficiently alleged a Fourteenth Amendment due process claim against defendants Jones, Luke, and Saika based on plaintiff’s placement in total separation (“TSEP”), a First Amendment claim against defendants Jones and Luke for failing to provide a confidential attorney-client visitation area, and a First Amendment free exercise claim against defendant Toliver for failing to provide plaintiff with a vegetarian diet consistent with his Buddhist beliefs. (Doc. No. 59 at 3.) However, the magistrate judge found that plaintiff had

1 failed to state any cognizable claims against the remaining defendants. (*Id.*) Accordingly, on
2 April 1, 2024, the assigned magistrate judge issued findings and recommendations recommending
3 that this action proceed only on the claims found to be cognizable and that all other claims and
4 defendants be dismissed from this action due to plaintiff’s failure to state a cognizable claim
5 against them. (*Id.* at 5.) The pending findings and recommendations were served on plaintiff and
6 contained notice that any objections thereto were to be filed within fourteen (14) days after
7 service. (*Id.*) 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 April 1, 2024 (Doc. No. 59) are
13 adopted in full;
- 14 2. This action shall proceed on plaintiff’s Fourteenth Amendment due process claim
15 against defendants Jones, Luke, and Saika, plaintiff’s First Amendment claim
16 against defendants Jones and Luke, and plaintiff’s First Amendment free exercise
17 claim against defendant Toliver;
- 18 3. All other claims brought by plaintiff in this action are dismissed;
- 19 4. Defendants McKrasie, Hampton, Schaller, and Pfau are dismissed as defendants in
20 this action;
- 21 5. The Clerk of the Court is directed to update the docket to reflect that defendants
22 McKrasie, Hampton, Schaller, and Pfau have been terminated from this action;
23 and

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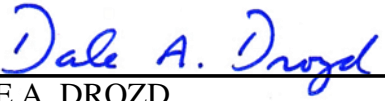
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6. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: May 9, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE