

STEVEN DEON TURNER, JR., Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION et
al., Defendants.

Case No. CV 16-6764-PA (JPR)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

June 30, 2017

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF U.S.
MAGISTRATE JUDGE

The Court has reviewed de novo the First Amended Complaint, the pleadings and records on file, and the Report and Recommendation of U.S. Magistrate Judge, which recommends that the FAC be dismissed without leave to amend except for one claim against Defendant K. Williams, for allegedly violating the First Amendment by opening Plaintiff's "legal mail" on September 30, 2015.

On June 9, 2017, Plaintiff filed objections to the R. & R. His objections rest on the premise that Williams and the other Defendants repeatedly violated his First Amendment rights by opening his mail on numerous occasions. But as the Magistrate Judge has twice explained to Plaintiff (see Jan. 31, 2017 Order

Page 2

at 7-12; R. & R. at 6-12), as a matter of federal constitutional law those other incidents did not involve "legal" mail. Accordingly, none of Plaintiff's objections are well taken.¹

Having reviewed de novo those portions of the R. & R. to which Plaintiff objected, the Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that all claims in the First Amended Complaint are dismissed without leave to amend except for Plaintiff's claim that Defendant K. Williams, in her individual capacity, violated his First Amendment rights by opening his mail from the ACLU on September 30, 2015.

DATED: June 30, 2017

/s/ _____

PERCY

ANDERSON

U.S. DISTRICT JUDGE

Footnotes:

¹ Plaintiff also objects that the Magistrate Judge should not have found that Defendants were entitled to qualified immunity. (See, e.g., Objs. at 10, 12, 14.) In fact, she recommended that certain Defendants be dismissed from the lawsuit because they were protected by sovereign, not qualified, immunity. (See R. & R. at 17-19.)
