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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN HERRON,
Plaintiff,

vs.

D. WILTCHIK, et al.,
Defendants.

Case No. 1:09-cv-2165 AWI JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

ORDER DISMISSING ACTION AS TO
DEFENDANTS JOHN DOE CHIEF
MEDICAL OFFICER, DR. HEMELA, DR.
ASHBY, DR. KLANG AND JOE DOE
CORRECTIONAL OFFICER

_____/ (Doc. 31)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On November 18, 2011, the assigned Magistrate Judge screened Plaintiff’s third amended complaint pursuant to 28 U.S.C. § 1915A(a) and issued a findings and recommendations which found that while Plaintiff had stated a cognizable Eighth Amendment claim for deliberate indifference to his medical needs against Defendant Veja, Plaintiff’s remaining allegations failed to state a cognizable claim against any other defendant. (Doc. 31.) Accordingly, the Magistrate Judge recommended that this action proceed only on Plaintiff’s Eighth Amendment claim against Defendant Veja. Additionally, the Magistrate Judge advised that any parties intending to file objections must file the objections within twenty one days following service of the findings and recommendations. (Id.) Neither party filed objections to the findings and recommendations.

In accordance with 28 U.S.C. § 636(b)(1) and Local Rule 302, the Court has conducted a de novo

1 review of this case. Having carefully reviewed the entire file, the Court finds the findings and
2 recommendations to be supported by the record and proper analysis.

3 Accordingly, it is **HEREBY ORDERED** that:

- 4 1. The findings and recommendations issued November 18, 2011, are adopted in full;
- 5 2. Plaintiff's claims against Defendants John Doe Chief Medical Officer, Dr. Hemela, Dr.
6 Ashby, Dr. Klang and John Doe Correctional Officer are **DISMISSED** with prejudice
7 for failure to state a claim; and
- 8 3. This action shall proceed on Plaintiff's claim against Defendant Veja for deliberate
9 indifference to his medical needs in violation of the Eighth Amendment.

10 IT IS SO ORDERED.

11 Dated: December 23, 2011


12 CHIEF UNITED STATES DISTRICT JUDGE

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