

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT SIORDIA,

1:11-cv-0742-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION FOR DISMISSAL OF
CERTAIN CLAIMS AND DEFENDANTS

v.

MATHEW CATE,

(ECF No. 11)

Defendant.

_____ /

Plaintiff Robert Siordia (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in a civil rights action 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 November 3, 2011, the Magistrate Judge filed Findings and Recommendations, recommending that certain of Plaintiff’s claims and defendants be dismissed. (ECF No. 11.) Plaintiff previously notified the Court that he was willing to proceed on his cognizable Eighth Amendment claims, and accordingly his claims against Defendants Igbinosa and Does one through five should now be dismissed. (ECF No. 10.) Plaintiff has failed to file objections to the Findings and Recommendation.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

///
///
///

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation, filed November 3, 2011, are adopted in full;
- 3 2. Plaintiff is permitted to proceed on his Eighth Amendment claim that Defendants
- 4 Cate and Yates were deliberately indifferent to Plaintiff's serious medical needs;
- 5 3. Defendants Igbinosa and Does one through five be dismissed from this action; and
- 6 4. All of Plaintiff's remaining claims be dismissed.

7
8
9 IT IS SO ORDERED.

10 **Dated: December 20, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE