1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8 Case No. 1:15-cv-01871-LJO-JLT (PC) 9 MONICO J. QUIROGA, III, ORDER ADOPTING FINDINGS AND 10 Plaintiff, RECOMMENDATIONS IN FULL THAT ACTION PROCEED SOLELY ON PLAINTIFF'S 11 DELIBERATE INDIFFERENCE CLAIM AGAINST DEFENDANT DR. HASTA AND THAT 12 MEDICAL SERVICE DOCTOR, et ALL OTHER CLAIMS AND DEFENDANTS BE DISMISSED al., 13 (Docs. 20, 23, 24) Defendants. 14 15 16 17 Plaintiff, Monico J. Quiroga, III, is a state prisoner proceeding pro se and in forma 18 pauperis in this civil action pursuant to 42 U.S.C. § 1983. The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On November 10, 2016, the Magistrate Judge filed a Findings and Recommendations that 21 this action should proceed on Plaintiff's first cause of action in the Second Amended Complaint 22 against Defendant Dr. Hasta for deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment. (Doc. 23.) This was served on Plaintiff that same day and 23 contained notice that any objections were to be filed within thirty days. (Id.) Plaintiff did not file 24 any objections; rather he filed a declaration that he agreed to only proceed on his Eighth 25 Amendment claim against Dr. Hasta. 26 /// 27 // 28

1	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a	
2	de novo review of this case. Having carefully reviewed the entire file, the Court finds the	
3	Findings and Recommendations to be supported by the record and by proper analysis.	
4	Accordingly, it is HEREBY ORDERED that:	
5	1.	Plaintiff's motion to proceed on the Findings and Recommendation, filed
6		November 29, 2016 (Doc. 24), is granted;
7	2.	the Findings and Recommendations, filed November 10, 2016 (Doc. 23), is
8		adopted in full;
9	3.	this action shall proceed on Plaintiff's Second Amended Complaint, filed on May
10		23, 2016 (Doc. 20), against Defendant Dr. Hasta for deliberate indifference to
11		Plaintiff's serious medical needs in violation of the Eight Amendment;
12	4.	all other Defendants and claims are dismissed for Plaintiff's failure to state a claim
13		upon which relief may be granted;
14	5.	the Clerk's Office shall terminate Defendants "Medical Service Doctor," "LVN,"
15		and "RN" and shall add "Dr. Hasta" as a Defendant on the docket of this action;
16	6.	this action shall hereafter be captioned "Monico J. Quiroga, III v. Dr. Hasta;" and
17	7.	the action is referred back to the Magistrate Judge for further proceedings.
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19	IT IS SO ORDERED.	
20	Dated: _	November 30, 2016 /s/ Lawrence J. O'Neill
21		UNITED STATES CHIEF DISTRICT JUDGE
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