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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSEPH AARON MCKISSICK,

Plaintiff,

v.

JOSIE GASTELO et al.,

Defendants.

Case No. 2:21-cv-01945-VAP (MAA)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Third Amended Complaint, the other records on file herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing objections has expired and no objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that:

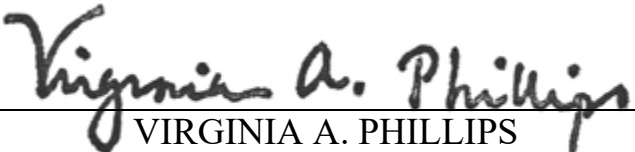
1. The Report and Recommendation of the Magistrate Judge is ACCEPTED;
2. Plaintiff's Third Amended Complaint is DISMISSED WITH PREJUDICE and WITHOUT LEAVE TO AMEND with respect to:
 - a. Defendant Jose Gastelo, Defendant Garcia, and Defendant Sandavol; and

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b. Plaintiff's Eighth Amendment deliberate indifference claim against Defendant Urbina, except for the allegation that Defendant Urbina did not provide needed cleaning supplies in response to Plaintiff's several requests.

3. Plaintiff's Third Amended Complaint will PROCEED solely as to Plaintiff's Eighth Amendment deliberate indifference claim against Defendant Urbina for repeated denial of requested cleaning supplies.

DATED: January 19, 2022


VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE