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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BARRY S. JAMESON,

1:03-cv-05593-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION FOR DISMISSAL OF  
CERTAIN OF PLAINTIFF’S CLAIMS AND  
DEFENDANTS

v.

SCOTT RAWERS, et al.,

(ECF No. 72)

Defendants.

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Plaintiff Barry S. Jameson (“Plaintiff”) is a state prisoner proceeding pro se 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 June 30, 2011, the Magistrate Judge filed a Findings and Recommendation recommending that certain of Plaintiff’s claims and defendants be dismissed. (ECF No. 72.) Plaintiff has not filed any 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.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation, filed July 6, 2011, is adopted in full;
- 3 2. Plaintiff’s Eighth Amendment “failure to protect” claim in Counts One and Two of
- 4 his Fifth Amended Complaint is DISMISSED without prejudice;
- 5 3. Plaintiff’s Fourth, Fifth, and Fourteenth Amendment claims in Counts One and
- 6 Two of his Fifth Amended Complaint are DISMISSED without prejudice;
- 7 4. Counts Three, Four, Five and Six of Plaintiff’s Fifth Amended Complaint are
- 8 DISMISSED without prejudice;
- 9 6. All Defendants except for Defendants Perry and Rees are DISMISSED from this
- 10 action; and
- 11 7. Plaintiff is permitted to proceed on his Eighth Amendment claim, in Counts One
- 12 and Two of his Fifth Amended Complaint, that Defendants Rees and Perry acted
- 13 with deliberate indifference to Plaintiff’s medical care needs, but that all other
- 14 medical care claims in Counts One and Two the Fifth Amended Complaint be
- 15 dismissed as against all other Defendants.

16 IT IS SO ORDERED.

17 **Dated: February 2, 2012**

18 **/s/ Lawrence J. O’Neill**  
19 **UNITED STATES DISTRICT JUDGE**