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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LUMPKIN WILLIAMS,

CASE NO. 1:06-cv-01569-AWI-SKO PC

Plaintiff,

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

v.

ORDER DISMISSING CLAIMS AND DEFENDANTS

GARZA, et al.,

Defendants.

(Doc. 23)

Plaintiff Lumpkin Williams (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this 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 October 22, 2009, the Magistrate Judge issued a Findings and Recommendations which recommended that certain claims be dismissed from this action. (Doc. #23.) Plaintiff’s second amended complaint was screened on September 22, 2009. (Doc. #21.) Plaintiff was ordered to file an amended complaint or to notify the Court that he wished to proceed only on the claims found to be cognizable. On October 13, 2009, Plaintiff informed the Court that he wished to proceed only on the claims found to be cognizable. (Doc. #22.) The Court then issued the October 22, 2009 Findings and Recommendations recommending the dismissal of Plaintiff’s other claims.

The Findings and Recommendations were served on Plaintiff and contained notice to Plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days of the date on which the Findings and Recommendations were served. Plaintiff did not file objections to the Findings and Recommendations.

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

4 Accordingly, the Court HEREBY ORDERS that:

- 5 1. The October 22, 2009 Findings and Recommendations are ADOPTED in full;
- 6 2. Defendants Trimble, Myers, and the Fresno County Sheriff's Investigative Division  
7 are DISMISSED from this action;
- 8 3. Plaintiff's claims regarding the denial of medical care and the failure to report a use  
9 of excessive force incident are DISMISSED; and
- 10 4. This actions shall proceed on Plaintiff's claims against Defendants Cantu, Dutra,  
11 Garza, Lantz, Huckabay, and Mendoza for the use of excessive force in violation of  
12 Plaintiff's Eighth Amendment rights.

13 IT IS SO ORDERED.

14 Dated: September 27, 2010

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17 CHIEF UNITED STATES DISTRICT JUDGE  
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