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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY ADDUCCI,	CASE NO. 1:07-cv-00762-AWI-SMS PC
Plaintiff,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATIONS, AND DISMISSING
	CERTAIN CLAIMS FROM ACTION
KELLY HARRINGTON, et al.,	(Docs. 12 and 16)
Defendants.	

Plaintiff Anthony Adducci is a former state prisoner proceeding pro se 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 72-302.

On December 16, 2008, the Magistrate Judge filed a [Findings and Recommendations](#) recommending dismissal of certain claims from this action. Plaintiff was notified he had thirty days within which to file any objections. On February 6, 2009, the Court granted Plaintiff's motion for a thirty-day extension of time to object. More than thirty days have passed, and no Objection has been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed December 16, 2008, is adopted in full;

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- 2. This action shall proceed as one for damages on Plaintiff's amended complaint, filed May 8, 2008, against Defendants Lawless, Christian, Brocket, and Sandoval in their personal capacities for violation of the Eighth Amendment;
- 3. Plaintiff's official capacity claims are dismissed;
- 4. Plaintiff's Fourteenth Amendment substantive due process claim is dismissed; and
- 5. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: April 16, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE