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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE BERRY STRONG,

Plaintiff,

v.

SUSAN HUBBARD, et al.,

Defendants.

CASE NO. 1:08-cv-00087-LJO-GBC PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSAL OF CERTAIN CLAIMS AND
REFERRING MATTER BACK TO
MAGISTRATE JUDGE TO INITIATE
SERVICE OF PROCESS

(Doc. 19)

THIRTY-DAY DEADLINE

_____ /

Plaintiff George Berry Strong (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 17, 2008. (Doc. 1.) A [first amended complaint](#) was filed on August 12, 2009. (Doc. 15.) On November 9, 2010, the Magistrate Judge screened Plaintiff’s complaint, and found that it states a claim against Defendants Hubbard and Clark for deliberate indifference in violation of the Eighth Amendment, but does not state any other claims for relief under section 1983. 28 U.S.C. § 1915A. Plaintiff was given thirty days to file an objection to the [findings and recommendations](#) and no objection has been filed. (Doc. 19.)

Accordingly, IT IS HEREBY ORDERED that:

1. This action will proceed on Plaintiff’s first amended complaint, filed August 12, 2009, against Defendants Hubbard and Clark for deliberate indifference in violation

1 of the Eighth Amendment;

2 2. Plaintiff's equal protection claim is dismissed, with prejudice, for failure to state a
3 claim under section 1983; and

4 3. This matter is referred back to the Magistrate Judge to initiate service of process
5 proceedings.

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7 IT IS SO ORDERED.

8 **Dated: December 29, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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