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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERDINAND REYNOLDS,

Plaintiff,

v.

K. GERSTEL, et al.,

Defendants.

CASE NO. 1:09-cv-00680-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
DEFENDANTS SCHUTT, LIU, AND
HODGES-WILKINS

(Doc. 24)

Plaintiff Ferdinand Reynolds (“plaintiff”) is a 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 302.

On October 14, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff did not file a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), 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 October 14, 2009, are adopted in full;
2. This action will proceed on Plaintiff’s complaint, filed April 16, 2009, against Defendant Gerstel for a violation of the Eighth Amendment; and

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3. Defendants Schutt, Liu, and Hodges-Wilkins are dismissed for Plaintiff's failure to state any claim against them.

IT IS SO ORDERED.

Dated: March 31, 2010

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