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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY CRAIG HUCKABEE,

Plaintiff,

v.

MEDICAL STAFF AT CSATF, et al.,

Defendants.

No. 1:09-cv-00749-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT JEFFREYS' MOTION TO
DISMISS

(Doc. Nos. 218, 262)

Plaintiff Anthony Craig Huckabee is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on plaintiff's fifth amended complaint against defendants Wu, McGuiness, Enenmoh, Jeffreys, and Jimenez for deliberate indifference to plaintiff's serious medical needs in violation of the Eighth Amendment.

On June 19, 2017, defendant Jeffreys filed a motion to dismiss plaintiff's Eighth Amendment deliberate indifference claim and to dismiss defendant Jeffreys from this action on the ground that plaintiff has failed to state a claim against defendant Jeffreys upon which relief can be granted. (Doc. Nos. 218, 219.)

On January 31, 2018, the magistrate judge issued findings and recommendations recommending that defendant Jeffreys' motion to dismiss be granted. (Doc. No. 262.) The

1 findings and recommendations were served on the parties and contained notice that any
2 objections thereto must be filed within fourteen days after service. (*Id.* at 6.) More than fourteen
3 days have passed, and no objections have been filed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of this case and carefully reviewed the entire file. The court finds that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on January 31, 2018 (Doc. No. 262) are
9 adopted in full;
- 10 2. Defendant Jeffrey's motion to dismiss (Doc. No. 218) is granted due to plaintiff's
11 failure to state a cognizable claim for deliberate indifference to a serious medical need
12 against defendant Jeffrey;
- 13 3. Defendant Jeffrey is dismissed from this action;
- 14 4. This action shall proceed only against defendants Wu, McGuinness, Enenmoh, and
15 Jimenez for deliberate indifference to plaintiff's serious medical needs in violation of
16 the Eighth Amendment; and
- 17 5. This matter is referred back to the magistrate judge for further proceedings consistent
18 with this order.

19 IT IS SO ORDERED.

20 Dated: March 13, 2018

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23 UNITED STATES DISTRICT JUDGE
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