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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD ORTEGA,

1:09-cv-01476-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 22.)

vs.

WARDEN JAMES A. YATES,
et al.,

ORDER FOR THIS ACTION TO PROCEED
ONLY AGAINST DEFENDANT DR.
DUENAS ON PLAINTIFF'S EIGHTH
AMENDMENT CLAIM FOR INADEQUATE
MEDICAL CARE

Defendants.

ORDER DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS

_____/

Edward Ortega ("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 4, 2011, findings and recommendations were entered, recommending that this action proceed only against defendant Dr. Duenas on Plaintiff's Eighth Amendment claim for inadequate medical care, and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 Court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The Findings and Recommendations issued by the Magistrate Judge on October 4,
6 2011, are adopted in full;
- 7 2. This action now proceeds only against defendant Dr. Duenas on Plaintiff's Eighth
8 Amendment claim for inadequate medical care;
- 9 3. All remaining claims and defendants are dismissed from this action;
- 10 4. Plaintiff's claims against defendants Dr. Felix Igbiosa, Nurse Kratts, and Nurse
11 Adonis are dismissed from this action based on Plaintiff's failure to state any claims
12 upon which relief may be granted against them; and
- 13 5. Plaintiff's Valley Fever claims are dismissed for failure to state a claim upon which
14 relief may be granted under section 1983.

15
16 IT IS SO ORDERED.

17 Dated: August 3, 2012

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19 _____
20 CHIEF UNITED STATES DISTRICT JUDGE