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

LAMONT SHEPARD,

Plaintiff,

vs.

DR. COHEN, et al.,

Defendants.

1:09-cv-01628-OWW-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 11.)

ORDER GRANTING PLAINTIFF'S MOTION  
FOR CASE TO PROCEED ON COGNIZABLE  
CLAIMS  
(Doc. 9.)

ORDER FOR THIS ACTION TO PROCEED  
ONLY AGAINST DEFENDANTS COHEN,  
LOPEZ, CAMPBELL, DEAN AND JANE DOE  
FOR VIOLATION OF PLAINTIFF'S RIGHTS  
TO DUE PROCESS, AND DISMISSING ALL  
REMAINING CLAIMS AND DEFENDANTS

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Lamont Shepard ("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 72-302.

On March 10, 2010, [findings and recommendations](#) were entered, recommending that plaintiff's [motion](#) to proceed on his cognizable claims be granted, and this action proceed only against defendants Cohen, Lopez, Campbell, Dean, and LVN Jane Doe for violation of Plaintiff's rights to due process, and dismissing all remaining claims and defendants. (Doc. 11.) On March 17, 2010, plaintiff filed a [statement](#) of non-opposition to the findings and recommendations. (Doc. 12.)

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, 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 March 10,  
6 2010, are ADOPTED in full;
- 7 2. Plaintiff's motion to proceed on his cognizable claims, filed on March 4, 2010, is  
8 GRANTED;
- 9 3. This action now proceeds only against defendants Dr. Cohen, Sergeant I. Lopez,  
10 Officer J. Campbell, Officer Z. Dean, and LVN Jane Doe for violation of Plaintiff's  
11 rights to due process;
- 12 4. All remaining claims and defendants are DISMISSED;
- 13 5. Defendant Chief Medical Officer is DISMISSED from this action based on plaintiff's  
14 failure to state a claim against him or her;
- 15 6. Plaintiff's claims for excessive force and assault and battery are DISMISSED from  
16 this action based on plaintiff's failure to state a claim upon which relief may be  
17 granted under § 1983.

18 IT IS SO ORDERED.

19 **Dated:** May 10, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE