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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LEMAR SINGLETON, SR.,

CASE NO. 1:10-cv-00953-AWI-BAM PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS,
AND REFERRING MATTER BACK TO
MAGISTRATE JUDGE TO INITIATE
SERVICE OF PROCESS

v.

JONES, et al.,

Defendants.

/ (ECF Nos. 23, 24)

Plaintiff LeMar Singleton, Sr. is a state prisoner proceeding pro se and in forma pauperis 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 November 8, 2011, the Magistrate Judge screened Plaintiff’s [First Amended Complaint](#), and issued a [Findings and Recommendations](#) recommending dismissal of certain claims and defendants from this action. Plaintiff filed a timely [Objection](#) on December 5, 2011.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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 November 8, 2011, is adopted in full;
2. This action shall proceed on Plaintiff’s First Amended Complaint, filed August 18, 2011, against Defendants Paz and Jones for failure to protect in violation of the Eighth Amendment and negligence under state law;

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- 3. Defendants James, Alcazar, and Byer are dismissed from this action for Plaintiff's failure to state a claim;
- 4. Plaintiff's Eighth Amendment medical claim is dismissed, without prejudice; and
- 5. This matter is referred back to the Magistrate Judge.

IT IS SO ORDERED.

Dated: February 10, 2012



CHIEF UNITED STATES DISTRICT JUDGE