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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHARLES T. DAVIS,) Case No.: 1:10-cv-01184-LJO-SAB (PC)
)
Plaintiff,)
)
v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATION, DISMISSING CERTAIN
) CLAIMS AND DEFENDANTS FROM THE
CLARK J. KELSO, et al.,) ACTION FOR FAILURE TO STATE A CLAIM
) AND REFERRING MATTER BACK TO
Defendants.) MAGISTRATE JUDGE FOR INITIATION OF
) SERVICE OF PROCESS
)
) [ECF No. 73]
)

Plaintiff Charles T. Davis is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 3, 2014, the Magistrate Judge issued a Findings and Recommendation finding certain claims cognizable and certain claims not cognizable. (ECF No. 73.) The Findings and Recommendation was served on Plaintiff and contained notice that objections were to be filed in thirty days. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation, filed on October 3, 2014, is adopted in full;
2. This action shall proceed against Defendants Cate and Yates for deliberate indifference to conditions of confinement by allowing by allowing Plaintiff to be transferred and housed at PVSP where he contracted Valley Fever;
3. Defendants Kelso and Igbinosa and Plaintiff's state law claim be dismissed for failure to state a cognizable claim for relief; and
4. This matter is referred back to the Magistrate Judge for initiation of service of process.

IT IS SO ORDERED.

Dated: November 13, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE