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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDY MINJAREZ,

Plaintiff,

v.

DIRECTOR OF CDCR, et al.,

Defendants.

CASE NO. 1:10-CV-01560-LJO-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS

_____ /

Plaintiff Rudy Minjarez (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his second amended [complaint](#) on June 7, 2011. Doc. 11. 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 1, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on Plaintiff and which contained notice to Plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Doc. 14. Plaintiff did not object to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), 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 1, 2011, is adopted in full;
2. This action proceeds Defendants Cortez, Swetalla, Gaona, Fidler, and Barajas on the

1 excessive force claim, and against Defendant John Doe 2¹ on the conditions of
2 confinement claim; and

3 3. Plaintiff's claim for supervisory liability against Defendants John Doe 1 and
4 Gonzales, and his claim for conspiracy against Defendants Cortez, Swetalla, Gaona,
5 Fidler, and Barajas are DISMISSED from this action for failure to state a claim.

6 IT IS SO ORDERED.

7 **Dated: December 12, 2011**

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

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27 _____
28 ¹ Plaintiff has now identified Defendant John Doe 2 as correctional lieutenant K. Allen.
Doc. 16.