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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARL ETHRIDGE,

CASE No. 1:10-cv-01962-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (1) FINDING
COGNIZABLE CLAIM; (2) FINDING
SERVICE OF SECOND AMENDED
COMPLAINT APPROPRIATE, AND (3)
FORWARDING SERVICE DOCUMENTS
TO PLAINTIFF FOR COMPLETION AND
RETURN WITHIN THIRTY DAYS

v.

S. CHILDS, et al.,

Defendants.

(ECF. No. 18)

_____ /

Plaintiff Carl Ethridge is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed October 20, 2010 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On June 3, 2013, the Magistrate Judge issued findings and recommendations that Plaintiff should proceed on the Second Amended Complaint Eighth Amendment conditions of confinement claim seeking damages against Defendants Hernandez and Childs; all other claims and Defendant CDCR Secretary should be dismissed with prejudice; and service should be initiated on Defendants Hernandez and Childs. (ECF

1 No. 18.) The fourteen day deadline to file objection to the findings and
2 recommendations was June 21, 2013, and Plaintiff did not object or otherwise respond
3 to the findings and recommendations.

4 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review
5 of this case. Having carefully reviewed the entire file, the Court finds the findings and
6 recommendations to be supported by the record and by proper analysis.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. The Court adopts the findings and recommendations filed on June 3,
9 2013 (ECF No. 18) in full;
- 10 2. Plaintiff shall proceed on the Second Amended Complaint Eighth
11 Amendment conditions of confinement claim seeking damages against
12 Defendants Hernandez and Childs;
- 13 3. All other claims asserted in the Second Amended Complaint and
14 Defendant CDCR Secretary are dismissed with prejudice;
- 15 4. Service shall be initiated on the following Defendants:
16 A. HERNANDEZ, Associate Warden, California Substance Abuse and
17 Treatment Facility - Corcoran State Prison;
18 S. CHILDS, Correctional Lieutenant, California Substance Abuse and
19 Treatment Facility - Corcoran State Prison;
- 20 5. The Clerk of the Court is directed to send Plaintiff two (2) USM-285 forms,
21 two (2) summons, a Notice of Submission of Documents form, an
22 instruction sheet and a copy of the Second Amended Complaint filed May
23 2, 2013;
- 24 6. Within thirty (30) days from service of this order Plaintiff shall complete
25 and return to the Court the Notice of Submission of Documents along with
26 the following documents:
 - 27 a. Completed summons;
 - 28 b. One completed USM-285 form for each Defendant listed above;

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and

c. Three (3) copies of the endorsed Second Amended Complaint filed
May 2, 2013; and

7. Upon receipt of the above-described documents, the Court shall direct the
United States Marshal to serve the above-named Defendants pursuant to
Federal Rule of Civil Procedure 4 without payment of costs.

IT IS SO ORDERED.

Dated: July 3, 2013

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