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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY CHAVARRIA,

Plaintiff,

vs.

P. A. GREEN, et al.,

Defendants.

1:10-cv-02324-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 12.)

ORDER FOR THIS ACTION TO
PROCEED ONLY ONLY AGAINST
DEFENDANTS DUENAS, GREEN,
AND WILSON, ON PLAINTIFF'S
EIGHTH AMENDMENT MEDICAL
CLAIMS

ORDER DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS

Anthony Chavarria ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff's original Complaint filed by Plaintiff on December 14, 2010. (Doc. 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.

On December 5, 2013, the Court entered Findings and Recommendations, recommending that this action proceed only against defendants Dr. Duenas and Physician's Assistants Green and Wilson, on Plaintiff's claims for inadequate medical care under the Eighth Amendment, and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (Doc. 12.) Plaintiff was provided an opportunity to

1 file objections to the Findings and Recommendations within thirty days. To date, Plaintiff has
2 not filed objections or otherwise responded to the Findings and Recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
5 the Court finds the Findings and Recommendations to be supported by the record and proper
6 analysis.

7 **III. CONCLUSION**

8 Accordingly, THE COURT HEREBY ORDERS that:

- 9 1. The Findings and Recommendations issued by the Magistrate Judge on
10 December 5, 2013, are ADOPTED in full;
- 11 2. This action now proceeds on Plaintiff's original Complaint, filed on December
12 14, 2010, against defendants Dr. Duenas and Physician's Assistants Green and
13 Wilson, on Plaintiff's claims for inadequate medical care under the Eighth
14 Amendment;
- 15 3. All remaining claims and defendants are DISMISSED from this action;
- 16 4. Defendant Dr. Igbinosa is DISMISSED from this action based on Plaintiff's
17 failure to state any claims upon which relief may be granted against him;
- 18 5. The Clerk is DIRECTED to reflect the dismissal of defendant Igbinosa on the
19 Court's docket; and
- 20 6. This case is referred back to the Magistrate Judge for further proceedings
21 including service of process.

22
23 IT IS SO ORDERED.

24 Dated: January 16, 2014

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