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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PERRY C. BUTLER,

Plaintiff,

v.

O. ONYEJIE, et al.,

Defendants.

CASE NO. 1:11-CV-00723-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (DOC. 21)

ORDER DISMISSING CLAIMS AGAINST
DEFENDANT T. BYERS, LVN LE MAY,
INSURANCE CARRIER JOHN DOE, and
DOE DEFENDANT LVN

Plaintiff Perry C. Butler (“Plaintiff”) is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On May 24, 2011, Plaintiff filed a [first amended complaint](#). Doc. 16. 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 13, 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 twenty-one days. Doc. 21. Plaintiff did not file an Objection 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 December 13, 2011, is adopted in full;

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- 2. This action proceeds on Plaintiff's first amended complaint against Defendants O. Onyeje and ENT Jon Doe for deliberate indifference to a serious medical need in violation of the Eighth Amendment;
- 3. Plaintiff's claims against Defendants T. Byers, LVN Le May, Insurance Carrier John Doe, and Doe Defendant LVN are dismissed with prejudice for failure to state a claim; and
- 4. Defendants T. Byers, LVN Le May, Insurance Carrier John Doe, and Doe Defendant LVN are dismissed from this action.

IT IS SO ORDERED.

Dated: February 4, 2012



CHIEF UNITED STATES DISTRICT JUDGE