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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA
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6 BRADY ARMSTRONG,

7 Plaintiff,

8 vs.

9 A. HEDGPETH, et al.,

10 Defendants.
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1:11-cv-00761-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 57.)

ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST
DEFENDANT NURSE RUMSEY ON
PLAINTIFF'S EIGHTH AMENDMENT
MEDICAL CLAIM

ORDER DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS

14 Brady Armstrong ("Plaintiff") is a former state prisoner proceeding pro se in this civil
15 rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff's First
16 Amended Complaint filed on November 20, 2013. (Doc. 1.) The matter was referred to a
17 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On July 9, 2014, the Court entered Findings and Recommendations, recommending that
19 this action proceed only against defendant Nurse Rumsey for failure to provide adequate
20 medical care in violation of the Eighth Amendment, and that all other claims and defendants be
21 dismissed from this action based on Plaintiff's failure to state a claim. (Doc. 57.) Plaintiff was
22 provided an opportunity to file objections to the Findings and Recommendations within thirty
23 days. To date, Plaintiff has not filed objections or otherwise responded to the Findings and
24 Recommendations.

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

1 Accordingly, THE COURT HEREBY ORDERS that:

- 2 1. The Findings and Recommendations issued by the Magistrate Judge on July 9,
3 2014, are ADOPTED in full;
- 4 2. This action now proceeds with Plaintiff's First Amended Complaint filed on
5 November 20, 2013, against defendant Nurse Rumsey on Plaintiff's Eighth
6 Amendment medical claim;
- 7 3. All remaining claims and defendants are DISMISSED from this action;
- 8 4. Plaintiff's claims for retaliation, excessive force, and state tort claims are
9 DISMISSED from this action based on Plaintiff's failure to state a claim upon
10 which relief may be granted;
- 11 5. Defendants Dr. L. Dileo, Dr. Spaeth, MTA (Medical Technical Assistant)
12 Terronez, Nurse Gomez, Jane Doe #1, Jane Doe #2, and John Doe #1 are
13 DISMISSED from this action based on Plaintiff's failure to state any claims
14 upon which relief may be granted against them;
- 15 6. The Clerk is DIRECTED to reflect the dismissal of defendants Dileo, Spaeth,
16 Terronez, and Gomez from this action on the Court's docket; and
- 17 7. This case is referred back to the Magistrate Judge for further proceedings,
18 including initiation of service of process.

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20 IT IS SO ORDERED.

21 Dated: August 22, 2014

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