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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JASON DEAVER,

Plaintiff,

v.

MARGARET MIMS, et al.,

Defendants.

CASE NO. 1:11-cv-01736-LJO-SKO PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING CLAIM  
AGAINST DEFENDANT MIMS AND  
INJUNCTIVE RELIEF CLAIM, AND  
REFERRING MATTER BACK TO  
MAGISTRATE JUDGE TO INITIATE  
SERVICE OF PROCESS ON DEFENDANT  
NARAYAN

(Docs. 8 and 10)

\_\_\_\_\_  
Plaintiff Jason Deaver, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 17, 2011. 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 7, 2012, the Magistrate Judge screened Plaintiff’s amended complaint and recommended that this action proceed on Plaintiff’s claim against Defendant Narayan for denial of adequate medical care.<sup>1</sup> 28 U.S.C. § 1915A. Plaintiff filed a statement of non-opposition on December 13, 2012. Pursuant to 28 U.S.C. § 636(b)(1)(C), the 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.

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<sup>1</sup> It is unclear if Plaintiff was a pretrial detainee or a convicted prisoner at the time of the events at issue, which occurred at the Fresno County Jail.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The Court adopts the findings and recommendations filed on November 7, 2012, in  
3 full;
- 4 2. This action shall proceed as one for damages against Defendant Narayan for denial  
5 of adequate medical care;
- 6 3. Defendant Mims is dismissed, with prejudice, based on Plaintiff's failure to state a  
7 claim against her under section 1983; and
- 8 4. Plaintiff's claim for injunctive relief is dismissed as moot.

9  
10 IT IS SO ORDERED.

11 **Dated: December 17, 2012**

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