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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM ATCHERLEY,)	1:12cv00225 LJO DLB PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DENYING
vs.)	DEFENDANT ANDERSON’S MOTION TO
)	DISMISS
EDGAR CLARK, et al.,)	
)	(Document 109)_
Defendants.)	

Plaintiff William Atcherley (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding on Plaintiff’s First Amended Complaint, filed on March 14, 2013, for violation of the Eighth Amendment and negligence against numerous Defendants.

On May 27, 2014, Defendant Anderson filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). 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 September 10, 2014, the Magistrate Judge issued [Findings and Recommendations](#) that Defendant’s motion to dismiss be denied. The Findings and Recommendations were served on

1 the parties and contained notice that any objections to the Findings and Recommendations were
2 to be filed within twenty-one days. No party has filed objections.

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7
- 8 1. The Findings and Recommendations, filed September 10, 2014, are ADOPTED in
9 full; and
 - 10 2. Defendant Anderson's motion to dismiss (Document 68) is DENIED.¹
- 11 IT IS SO ORDERED.

12 Dated: October 14, 2014

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

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¹ Defendant Anderson filed an answer on October 9, 2014.