

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CARLOS ANGEL,)	Case No.: 1:12-cv-00272-AWI-SAB (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATION, DISMISSING
v.)	DEFENDANTS IGBINOZA AND BRAZELTON
)	FROM ACTION, AND ALLOWING ACTION TO
P. BRAZELTON, et al.,)	PROCEED AGAINST DEFENDANT BERRING
)	FOR A VIOLATION OF THE EIGHTH
Defendants.)	AMENDMENT
)	
)	[ECF No. 17]

Plaintiff Carlos Angel is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

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, 2013, the Magistrate Judge filed a Findings and Recommendations which was served on Plaintiff and which contained notice that Objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff filed an Objection on October 21, 2013. Local Rule 304(b), (d).

In accordance with the provisions of 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.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on September 10, 2013, is adopted in full;

2. This action shall proceed on Plaintiff's First Amended Complaint, filed on December 21, 2012, against only Defendant Berring for the violation of Plaintiff's rights under the Eighth Amendment;

3. Plaintiff's claims against Defendants Igbinosa and Brazelton are dismissed from the action for failure to state a cognizable claim; and

4. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: November 20, 2013



SENIOR DISTRICT JUDGE