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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8

9 MICHAEL J. SULLIVAN,

10 Plaintiff,

11 v.

12 CHEN, *et al.*,

13 Defendants.
14

Case No. 1:12-cv-1662-AWI-EPG

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(ECF Nos. 101, 110)

15 Plaintiff, Michael J. Sullivan (“Plaintiff”), is a state prisoner proceeding *pro se* and *in*
16 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now
17 proceeds with Plaintiff’s Second Amended Complaint filed on February 13, 2015, on Plaintiff’s
18 Eighth Amendment claims for deliberate indifference to serious medical needs against
19 Defendants Chen, Patel, and Marchiano.¹ (ECF No. 57.) The matter was referred to a United
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On December 12, 2017, Magistrate Judge Erica P. Grosjean entered findings and
22 recommendations recommending that Defendants’ Motion to Dismiss as a Sanction, (ECF
23 101), be denied. (ECF No. 110). The parties were provided an opportunity to file objections to
24 the findings and recommendations within fourteen days. The fourteen-day period has expired
25 and the parties have not filed any objections to the findings and recommendations.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
27 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
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¹Defendant Marchiano has not been located for service, and has not yet appeared in this case.

1 the Court finds the findings and recommendations to be supported by the record and proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations issued by Magistrate Judge Erica P. Grosjean on
5 December 12, 2017 (ECF No. 110) are ADOPTED IN FULL;
- 6 2. Defendants' Motion to Dismiss as a Sanction (ECF No. 101) is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: February 6, 2018



10 SENIOR DISTRICT JUDGE