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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID SAFIDI CAUTHEN, JR.,
Plaintiff,
v.
RIVERA et al.,
Defendants.

Case No. 1:12 cv 01747 LJO DLB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Document 12)

Plaintiff David Safidi Cauthen, Jr. (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 26, 2012. 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 April 30, 2013, the Magistrate Judge issued [Findings and Recommendations](#) to dismiss certain claims and certain Defendants. The Findings and Recommendations were served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff received an extension of time, but did not file any objections.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed April 30, 2013, are ADOPTED in full;
2. This action proceed on (1) excessive force in violation of the Eighth Amendment against Defendants Rivera, Negrete, Northcutt, Arreola, King and Waddle; (2) unreasonable search in violation of the Fourth and Eighth Amendments against Defendants Rivera, Negrete and Waddle; (3) deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendant Mackey; and (4) violation of the First Amendment and RLUIPA against Defendants Rivera, Negrete and Waddle¹;
3. All further claims, as well as Defendants Hass, Lawless and Castellanos², are DISMISSED.

IT IS SO ORDERED.

Dated: July 12, 2013

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

¹ The United States Marshal has been directed to serve these Defendants.

² The discussion portion of the Findings and Recommendations found that Plaintiff failed to state any claims against Defendant Castellanos, though he was inadvertently excluded from the conclusion.