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

STANLEY CALHOUN, ) 1:12cv02007 AWI DLB PC  
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 )  
 ) Plaintiff, )  
 ) ORDER ADOPTING FINDINGS AND  
 ) RECOMMENDATIONS AND GRANTING  
 ) DEFENDANT’S MOTION TO DISMISS IN  
 ) PART  
 vs. )  
 )  
 JAMES HARTLEY, ) (Document 23)  
 )  
 )  
 Defendant. )

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Plaintiff Stanley Calhoun (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on December 10, 2012. The action is proceeding on Plaintiff’s First Amended Complaint for violation of the Eighth Amendment against Defendant Hartley.

On August 8, 2013, Defendant 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 November 21, 2013, the Court issued [Findings and Recommendations](#) that Defendant’s motion be granted in part. The Findings and Recommendations were served on the

1 parties and contained notice that any objections were to be filed within thirty days. Neither party  
2 has filed objections.  
3

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

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations, filed on November 21, 2013, are adopted;
- 9 2. Defendants' Motion to Dismiss (Document 14) is GRANTED IN PART;
- 10 3. Plaintiff's claim for injunctive relief is DISMISSED; and
- 11 4. Defendant is ORDERED to file a responsive pleading within thirty (30) days of  
12 the date of service of this order.

13  
14 IT IS SO ORDERED.

15 Dated: January 10, 2014

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17 \_\_\_\_\_  
18 SENIOR DISTRICT JUDGE