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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY TODD,

1:12-cv-02083-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

v.

P. JOHNSON, et al.,

(ECF No. 15)

Defendants.

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Plaintiff Michael Anthony Todd (“Plaintiff”) is a prisoner proceeding pro se in a 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 March 29, 2013, the Magistrate Judge filed a Findings and Recommendations, recommending dismissal of certain of Plaintiff’s claims and Defendants. (ECF No. 15.) Plaintiff has filed objections. (ECF No. 16.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 304, this 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.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed March 29, 2013, are adopted in full;
- 3 2. This action proceed as one for damages on Plaintiff's Eighth Amendment failure
- 4 to protect claim against Defendants Norton, Doe, Johnson, Harrington, and
- 5 Weatherford;
- 6 3. All other Eighth Amendment claims be dismissed, with prejudice, for failure to
- 7 state a claim;
- 8 4. Plaintiff's Fourteenth Amendment claim be dismissed, with prejudice, for failure
- 9 to state a claim;
- 10 5. Plaintiff's claim of intentional infliction of emotional distress be dismissed, with
- 11 prejudice, for failure to state a claim;
- 12 6. Plaintiff's claim for declaratory relief be dismissed, with prejudice, for failure to
- 13 state a claim; and
- 14 7. Defendants CDCR, Mascarenas, Lambert, Subia, and Gomez be dismissed based
- 15 on Plaintiff's failure to state any claims against them.

16 IT IS SO ORDERED.

17 **Dated: August 1, 2013**

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