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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRADELL M. DIXON,

Plaintiff,

vs.

ELIZABETH S. FLIPPO, et al.,

Defendants.

1:13-cv-00165-DAD-EPG-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. No. 15.)

ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST
DEFENDANT ARAMAS FOR FAILURE
TO PROTECT AND AGAINST
DEFENDANTS FLIPPO AND TRIESCH
FOR INADEQUATE MEDICAL CARE,
AND DISMISSING ALL OTHER CLAIMS
AND DEFENDANTS

Plaintiff Tradell M. Dixon is a former state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on plaintiff’s first amended complaint (“FAC”) filed on January 14, 2015. (ECF No. 9.) 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 July 25, 2016, the court entered findings and recommendations, recommending that this action proceed only against defendant Aramas for failure to protect and against defendants Flippo and Triesch for inadequate medical care, under the Eighth Amendment, and that all other claims and defendants be dismissed from this action based on plaintiff’s failure to state a claim. (ECF No. 15.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within twenty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

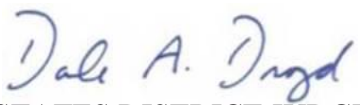
1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and proper
4 analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The findings and recommendations issued by the magistrate judge on July 25,
7 2016, Doc. No. 15, are ADOPTED in full;
- 8 2. This action now proceeds on plaintiff's FAC, filed on January 14, 2015, Doc.
9 No. 9, against defendant Aramas for failure to protect and against defendants
10 Flippo and Triesch for inadequate medical care, under the Eighth Amendment;
- 11 3. All remaining claims and defendants are dismissed from this action;
- 12 4. Plaintiff's claims for (1) unconstitutional informal customs, practices and/or
13 policy, and (2) inadequate staffing are dismissed from this action based on
14 plaintiff's failure to state a claim; and
- 15 5. Defendant Kelly Harrington is dismissed from this action based on plaintiff's
16 failure to state a claim against this defendant;
- 17 6. The clerk is directed to reflect the dismissal of defendant Harrington on the
18 court's docket; and
- 19 7. This case is referred back to the magistrate judge for further proceedings.

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21 IT IS SO ORDERED.

22 Dated: September 17, 2016


23 UNITED STATES DISTRICT JUDGE
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