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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 CURTIS LEE HENDERSON,

12 Plaintiff,

13 v.

14 DR. SMITH, et al.,

15 Defendants.
16

Case No. 1:13-cv-00287-LJO-SAB-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No.34)

ORDER DIRECTING SERVICE OF
PROCESS AND DISMISSING CLAIMS
AND DEFENDANTS

17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C.
18 § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §
19 636(1)(B) and Local Rule 302.

20 On February 12, 2016, [findings and recommendations](#) were entered, recommending that
21 this action proceed on the August 24, 2015, second amended complaint against Defendants
22 Jackson and Smith, and that the remaining claims and Defendants be dismissed. Plaintiff was
23 provided an opportunity to file objections within thirty days. On February 25, 2016, Plaintiff
24 filed [objections](#) to the findings and recommendations.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
26 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
27 Court finds the record to be supported by the record and proper analysis.
28

1 Accordingly, THE COURT HEREBY ORDERS that:

- 2 1. The findings and recommendations issued by the Magistrate Judge on February
3 12, 2016, are adopted in full;
- 4 2. This action proceeds on the August 24, 2015, second amended complaint against
5 Defendants Jackson and Smith for interference with Plaintiff's prescribed
6 treatment and delay in medical care, in violation of the Eighth Amendment;
- 7 3. Defendants Gonzalez, Mata and Morris are dismissed for Plaintiff's failure to
8 state a claim against them ;
- 9 4. Plaintiff's claims against Dr. Smith for the ambulance crash, against Dr. Jackson
10 for the November 19, 2011, examination of Plaintiff, and against Dr. Smith for
11 the December 7, 2011, surgery are dismissed for failure to state a claim; and
- 12 5. This action is referred to the Magistrate Judge for service of process of the
13 August 24, 2015, second amended complaint on Defendants Jackson and Smith.

14 IT IS SO ORDERED.

15 Dated: March 17, 2016

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