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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOAQUIN GUERRA,)	1:13-cv-01077-AWI-BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
v.)	DISMISSAL OF CLAIMS AGAINST
)	DEFENDANTS IN THEIR OFFICIAL
KERN COUNTY SHERIFF'S)	CAPACITIES
DEPARTMENT, et al.,)	(ECF No. 17)
)	
Defendants.)	

Plaintiff Joaquin Guerra (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action while a pre-trial detainee at the Kern County Jail.

On October 10, 2014, the Magistrate Judge issued Findings and Recommendations that this action proceed on Plaintiff’s first amended complaint, filed on July 7, 2014, against Defendants Sweeney, Feely and Jane Doe #1 in their individual capacities for deliberate indifference to serious medical needs in violation of the Fourteenth Amendment and that Plaintiff’s official capacity claims be dismissed from this action. The Findings and Recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days. (ECF No. 17.) On October 28, 2014, the Magistrate Judge granted Plaintiff a thirty-day extension of time to file any objections. (ECF No. 19.) Plaintiff filed untimely objections on December 8, 2014. (ECF No. 22.)

1 In his objections, Plaintiff asserts that he has stated a claim for deliberate indifference to
2 serious medical needs and that liability should be imposed against public employees. Plaintiff's
3 objections do not identify any error in the Magistrate Judge's findings and recommendations.
4 Insofar as Plaintiff may believe that his claims have been dismissed, this belief is incorrect. The
5 Magistrate Judge has recommended that Plaintiff's complaint move forward on his deliberate
6 indifference claim against Defendants in their *individual* capacities.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
8 a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's
9 untimely objections, the Court finds the Findings and Recommendations to be supported by the
10 record and by proper analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The Findings and Recommendations, issued on October 10, 2014, are adopted in
13 full;

14 2. This action shall proceed on Plaintiff's first amended complaint, filed on July 7,
15 2014, against Defendants Sweeney, Feely and Jane Doe #1 in their individual capacities for
16 deliberate indifference to serious medical needs in violation of the Fourteenth Amendment;

17 3. Plaintiff's claims against Defendants in their official capacities are dismissed
18 from this action; and

19 4. This action shall be referred back to the Magistrate Judge for further proceedings
20 consistent with this order.

21
22 IT IS SO ORDERED.

23 Dated: December 17, 2014



24 SENIOR DISTRICT JUDGE
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