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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE LEDESMA,

Plaintiff,

v.

ADAME, et al.,

Defendants.

1:13-cv-01227-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF NO. 25)

ORDER DISMISSING CLAIMS AND
DEFENDANTS

Jose Ledesma (“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. This case now proceeds on Plaintiff’s Third Amended Complaint, which was filed on September 15, 2016. (ECF No. 23). 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 7, 2016, Magistrate Judge Erica P. Grosjean entered an order, finding that Plaintiff stated a claim against defendants Adame, Tyree, and Lundy for violation of the Eighth Amendment based on conditions of confinement, against defendants Adame and Lundy for inadequate health care in violation of the Eighth Amendment, and against defendants Adame, Tyree, and Lundy for retaliation in violation of the First Amendment. (ECF No. 24). On that same day, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that all other claims and defendants be dismissed from this action, with prejudice. (ECF No. 25). Plaintiff was provided an opportunity to file objections to the

1 findings and recommendations within thirty days. To date, Plaintiff has not filed objections or
2 otherwise responded to the findings and recommendations.

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

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The findings and recommendations issued by the Magistrate Judge on
9 November 7, 2016, are ADOPTED in full;
- 10 2. This action now proceeds on Plaintiff's Third Amended Complaint, filed on
11 September 15, 2016, against defendants Adame, Tyree, and Lundy for violation
12 of the Eighth Amendment based on conditions of confinement, against
13 defendants Adame and Lundy for inadequate health care in violation of the
14 Eighth Amendment, and against defendants Adame, Tyree, and Lundy for
15 retaliation in violation of the First Amendment;
- 16 3. All other claims and defendants are DISMISSED from this action, with
17 prejudice;
- 18 4. The Clerk is DIRECTED to reflect the dismissal of defendant K. Holland on the
19 Court's docket; and
- 20 5. This case is referred back to the Magistrate Judge for further proceedings.

21 IT IS SO ORDERED.

22 Dated: January 20, 2017

23 
24 SENIOR DISTRICT JUDGE