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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 JOSE LEDESMA,

11 Plaintiff,

12 v.

13 ADAME, et al.,

14 Defendants.
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Case No. 1:13-cv-01227-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF NOS. 59 & 66)

21-DAY DEADLINE

16 Jose Ledesma (“Plaintiff”) is a state prisoner proceeding *in forma pauperis* in this civil
17 rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff’s Third
18 Amended Complaint, which was filed on September 15, 2016. (ECF No. 23). Plaintiff’s Third
19 Amended Complaint was screened, and the Court found that Plaintiff “stated a claim against
20 defendants Adame, Tyree, and Lundy [“Defendants”] for violations of the Eighth Amendment
21 based on conditions of confinement, against defendants Adame and Lundy for inadequate
22 health care in violation of the Eighth Amendment, and against defendants Adame, Tyree, and
23 Lundy for retaliation in violation of the First Amendment.” (ECF No. 24, p. 15; ECF No. 28,
24 p. 1). All other claims and defendants were dismissed. (ECF No. 28, p. 2). The matter was
25 referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
26 Rule 302.

27 On June 25, 2018, Magistrate Judge Erica P. Grosjean entered findings and
28 recommendations, recommending that: 1) Defendants’ motion to dismiss be granted in part and

1 denied in part; 2) “This case proceed on Plaintiff’s claims for Eighth Amendment Conditions of
2 Confinement, Eighth Amendment Denial of Medical Care, and First Amendment Retaliation”;
3 3) Plaintiff’s requests for declaratory and injunctive relief be dismissed; and 4) “This case
4 proceed against Defendants only in their individual capacities.” (ECF No. 66, pgs. 27-28).

5 The parties were provided an opportunity to file objections to the findings and
6 recommendations. The deadline for filing objections has passed, and no objections have been
7 filed.

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

12 Accordingly, THE COURT HEREBY ORDERS that:

- 13 1. The findings and recommendations issued by the Magistrate Judge on June 25,
14 2018, are ADOPTED in full;
- 15 2. Defendants’ motion to dismiss is GRANTED IN PART AND DENIED IN PART;
- 16 3. This case proceed on Plaintiff’s claims for Eighth Amendment Conditions of
17 Confinement, Eighth Amendment Denial of Medical Care, and First Amendment
18 Retaliation;
- 19 4. Plaintiff’s requests for declaratory and injunctive relief are DISMISSED;
- 20 5. This case proceed against Defendants only in their individual capacities;
- 21 6. Defendants have twenty-one (21) days from the date of service of this order to file
22 their answer(s); and
- 23 7. This case is referred back to the Magistrate Judge for further proceedings.

24 IT IS SO ORDERED.

25 Dated: August 22, 2018

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27 SENIOR DISTRICT JUDGE
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