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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANNY CAESAR,
Plaintiff,
v.
JEFFREY BEARD, et al.,
Defendants.

Case No.: 1:13-cv-01726-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING CERTAIN
CLAIMS AND DEFENDANTS

(Doc. Nos. 40–41)

Plaintiff Danny Caesar is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on plaintiff’s second amended complaint (“SAC”), filed March 16, 2017. (Doc. No. 40.) 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 March 27, 2017, the assigned magistrate judge screened plaintiff’s second amended complaint and issued findings and recommendations, recommending that: (i) this action proceed only on plaintiff’s claims against defendants Patel, Lopez, and Nanditha for deliberate indifference to his serious medical needs in violation of the Eighth Amendment, and against defendant Patel for retaliation in violation of the First Amendment; and (ii) plaintiff’s ADA claim be dismissed for failure to state a claim upon which relief may be granted. (Doc. No. 41.) Those findings and

1 recommendations were served on the parties and contained notice that objections thereto were to be
2 filed within thirty days. (*Id.* at 8.)

3 On June 5, 2017, the court granted plaintiff's motion for an extension of time to file objections
4 to the March 27, 2017 findings and recommendations. (Doc. No. 45.) More than thirty days have
5 passed since that order was issued, and no objections were filed.

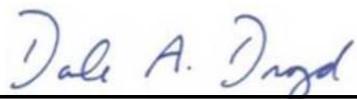
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has conducted
7 a *de novo* review of the case. Having carefully reviewed the entire file, the undersigned concludes that
8 the findings and recommendation are supported by the record and proper analysis.

9 Accordingly,

- 10 1. The findings and recommendation issued March 27, 2017 (Doc. No. 41) are adopted in
11 full;
- 12 2. This action proceeds on plaintiff's second amended complaint, filed March 16, 2017,
13 against defendants Patel, Lopez, and Nanditha for deliberate indifference to plaintiff's
14 serious medical needs in violation of the Eighth Amendment, and against defendant
15 Patel for retaliation in violation of the First Amendment;
- 16 3. Defendant Jeffrey Beard, and all other claims, are dismissed from this action, and the
17 docket shall reflect these dismissals; and
- 18 4. This matter is referred back to the assigned magistrate judge for further proceedings
19 consistent with this order.

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21 IT IS SO ORDERED.

22 Dated: August 1, 2017

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25 UNITED STATES DISTRICT JUDGE
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