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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JERRY MCDOWELL,

Plaintiff,

v.

R. RIVERA, et al.,

Defendants.

Case No. 1:13-cv-01797-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

ECF NO. 15

Plaintiff Jerry McDowell, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 6, 2013. 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 28, 2014, the Magistrate Judge issued a findings and recommendations recommending certain claims and Defendants be dismissed from this action. (ECF No. 15.) The fourteen day deadline to file an objection has passed without a response from Plaintiff.

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

1 analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed March 28 2014, are adopted in full;
- 4 2. Plaintiff shall proceed on his Eighth Amendment claim against Defendants
5 Sandoval, Garza, Fernandez, Guzman, Sanchez, and Acolla and First Amendment
6 claim against Defendants Acolla and Fernandez;
- 7 3. Plaintiff's Eighth Amendment claims against Defendants Rivera and Patel are
8 dismissed; and
- 9 4. Defendants Rivera and Patel are dismissed from the action.

10 IT IS SO ORDERED.

11 Dated: June 3, 2014

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

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