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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE AUGUSTINE MAYORGA,

 Plaintiff,

 v.

ESLICK, et al.,

 Defendants.

Case No. 1:14-cv-00099-LJO-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING DUE
PROCESS AND RETALIATION CLAIMS,
DISMISSING DEFENDANTS ALLEN AND
DUNCAN, AND REFERRING MATTER TO
MAGISTRATE JUDGE FOR SERVICE OF
AMENDED COMPLAINT

(Docs. 21 and 22)

Plaintiff Jose Augustine Mayorga, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 23, 2014. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

In a Findings and Recommendations filed on June 29, 2015, the Magistrate Judge screened Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A and recommended this action proceed only on his Eighth Amendment claims. On July 15, 2015, Plaintiff filed a notice of non-opposition. Local Rule 304(b).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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 analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on June 29, 2015, is adopted in full;
2. This action for damages shall proceed on Plaintiff's amended complaint against Defendants Eslick, Paugh, and Knigge for use of excessive force, in violation of the Eighth Amendment; and against Defendants Eslick, Jane Doe 2, Mason, Knigge, Broderick, and Pilcher for denial of medical care, in violation of the Eighth Amendment;
3. Plaintiff's due process claim is dismissed, with prejudice, for failure to state a claim;
4. Plaintiff's retaliation claim is dismissed, with prejudice, for failure to state a claim;
5. Defendants Allen and Duncan are dismissed based on Plaintiff's failure to state any claims against them; and
6. This matter is referred back to the Magistrate Judge to initiate service of process.

IT IS SO ORDERED.

Dated: July 16, 2015

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