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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EFRAIN SALAZAR,

 Plaintiff,

 v.

DR. KOKOR, et al.,

 Defendants.

CASE NO. 1:14-cv-00211-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS**

(ECF No. 47)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. 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 September 21, 2015, the Magistrate Judge screened Plaintiff's third amended complaint and concluded that it states a cognizable Eighth Amendment claim against Dr. Winfred Kokor. (ECF No. 19.) The remaining claims and defendants were dismissed with prejudice for failure to state a claim. The matter since has proceeded through discovery and summary judgment before the undersigned. It presently is set for a settlement conference on January 11, 2018, and trial on June 5, 2018. (ECF Nos. 44, 45.)

On December 4, 2017, the Magistrate Judge re-screened Plaintiff's third amended complaint, recognizing that a recent Ninth Circuit opinion, Williams v. King, 875 F.3d 500

1 (9th Cir. 2017), held that a magistrate judge does not have jurisdiction to dismiss claims
2 with prejudice in screening prisoner complaints absent the consent of all parties, even if
3 the plaintiff has consented to magistrate judge jurisdiction, as plaintiff had here. (Doc.
4 No. 47.) Concurrently, the magistrate judge issued findings and recommendations
5 recommending that the undersigned dismiss the non-cognizable claims. (Id.) Plaintiff
6 was given fourteen days to file his objections to those findings and recommendations.
7 Plaintiff did not file any objections, and the time in which to do so has now passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,
9 the Court has conducted a de novo review of Plaintiff's case. The Court finds the findings
10 and recommendations to be supported by the record and by proper analysis.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The findings and recommendations issued December 4, 2017 are adopted
13 in full;
- 14 2. The action shall continue to proceed only on Plaintiff's cognizable Eighth
15 Amendment claim against Defendant Kokor; and
- 16 3. All other claims and defendants are dismissed with prejudice for failure to
17 state a claim.

18 IT IS SO ORDERED.

19 Dated: January 10, 2018

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21 SENIOR DISTRICT JUDGE