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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TONY TENNENTO,	)	Case No.: 1:14-cv-00772 - LJO - JLT
	)	
Plaintiffs,	)	ORDER ADOPTING IN FULL THE FINDINGS
	)	AND RECOMMENDATIONS DISMISSING
v.	)	PLAINTIFF’S CLAIM FOR A VIOLATION OF
CHRISTOPHER BOSTON, et al.,	)	THE EIGHTH AMENDMENT
	)	
Defendants.	)	
	)	
	)	
	)	

Tony Tennento is proceeding pro se and in forma pauperis in this action for a violation of his civil rights pursuant to 42 U.S.C. § 1983. On July 23, 2014, the Magistrate Judge reviewed Plaintiff’s complaint pursuant to 28 U.S.C. 1915, and found Plaintiff failed to state a cognizable claim for a violation of the Eighth Amendment. (Doc. 11 at 4.) Therefore, the Magistrate Judge recommended this claim be dismissed, and that the action proceed only on Plaintiff’s claims for violations of his rights arising under the Fourth and Fourteenth Amendments. (Id. at 6.)

Plaintiff was granted fourteen days to file any objections to the recommendation of the Magistrate Judge. (Id.) To date, no objections have been filed. Notably, prior to the issuance of the Findings and Recommendations, Plaintiff filed a notice of his willingness to proceed only on the Fourth and Fourteenth Amendment claims. (Doc. 9.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a de novo review of the

1 case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations  
2 are supported by the record and by proper analysis.

3 Based upon the foregoing, **IT IS HEREBY ORDERED:**

- 4 1. Plaintiff's claim for a violation of the Eighth Amendment is **DISMISSED**; and
- 5 2. The action **SHALL** proceed only on Plaintiff's claims for violations of the Fourth and  
6 Fourteenth Amendment.

7  
8 IT IS SO ORDERED.

9 Dated: August 18, 2014

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