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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOE ANTHONY GONZALES,

 Plaintiff,

 v.

H. TATE, et al.,

 Defendants.

Case No. 1:14-cv-01181 AWI DLB PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
NONCOGNIZABLE CLAIM**

(Document 12)

Plaintiff Joe Anthony Gonzales (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on July 29, 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.

On February 12, 2015, the Magistrate Judge issued [Findings and Recommendations](#) that this action go forward against Defendants Tate, Shiesha, Longcrier and Lewis for violation of the Eighth Amendment, and that the Fourteenth Amendment claim be dismissed for failure to state a claim. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty (30) days. Plaintiff has not filed objections.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed February 12, 2015, are adopted in full;
2. This action SHALL go forward against Defendants Tate, Shiesha, Longcrier and Lewis for violation of the Eighth Amendment; and
3. Plaintiff's Fourteenth Amendment claim is DISMISSED for failure to state a claim.

IT IS SO ORDERED.

Dated: April 14, 2015



SENIOR DISTRICT JUDGE