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

CHARLES W. WINDHAM,)	Case No.: 1:14-cv-01636-LJO-BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
v.)	DISMISSAL OF CERTAIN CLAIMS AND
)	DEFENDANTS
M. MARIN, et al.,)	(ECF Nos. 1, 12, 16)
)	
Defendants.)	
)	
)	
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)	

19 Plaintiff Charles W. Windham (“Plaintiff”) is a state prisoner proceeding pro se in this civil
20 rights action pursuant to 42 U.S.C. § 1983.

21 On March 6, 2015, the Magistrate Judge screened Plaintiff’s complaint pursuant to 28 U.S.C. §
22 1915A, and found that it stated cognizable Eighth Amendment claims for excessive force against
23 Defendants Uribe, Marin, Rasley, Contreras, Capano, Rubio and Doe #1 and for deliberate
24 indifference to serious medical needs against Defendants Navarro, Morales, Marin and Shiver, but
25 failed to state a cognizable claim against any other defendant. The Magistrate Judge therefore
26 provided Plaintiff with an opportunity to file an amended complaint or notify the Court whether he
27 was agreeable to proceed only on the cognizable claims. (ECF No. 12.) On March 25, 2015, Plaintiff
28 notified the Court of his intention to proceed only on the cognizable claims. (ECF No. 14.)

1 On March 30, 2015, the Magistrate Judge issued Findings and Recommendations that (1) this
2 action proceed on Plaintiff's complaint, filed on October 6, 2014, for violation of the Eighth
3 Amendment based on allegations of excessive force against Defendants Uribe, Marin, Rasley,
4 Contreras, Capano, Rubio and Doe #1 and based on allegations of deliberate indifference to serious
5 medical needs against Defendants Navarro, Morales, Marin and Shiver; (2) Plaintiff's retaliation,
6 failure to intervene/protect and state law claims be dismissed from this action; and (3) Defendants
7 Davies, Beard, Dr. Doe #26, Brett and Does #2-25 be dismissed from this action. The Findings and
8 Recommendations were served on Plaintiff and contained notice that any objections were to be filed
9 within fourteen (14) days after service. (ECF No. 16.) More than fourteen days have passed and no
10 objections have been filed.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
12 novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and
13 recommendations to be supported by the record and by proper analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Findings and Recommendations issued on March 30, 2015, are adopted in full;
- 16 2. This action shall proceed on Plaintiff's complaint, filed on October 6, 2014, for
17 violation of the Eighth Amendment based on allegations of excessive force against Defendants Uribe,
18 Marin, Rasley, Contreras, Capano, Rubio and Doe #1 and based on allegations of deliberate
19 indifference to serious medical needs against Defendants Navarro, Morales, Marin and Shiver;
- 20 3. Plaintiff's retaliation, failure to intervene/protect, and state law claims are dismissed
21 from this action; and
- 22 4. Defendants Davies, Beard, Dr. Doe #26, Brett and Does #2-25 are dismissed from this
23 action.

24 IT IS SO ORDERED.

25 Dated: April 22, 2015

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