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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,

Plaintiff,

vs.

BARAJAS, et al.,

Defendants.

1:14-cv-01690-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 19.)

ORDER FOR THIS ACTION TO  
PROCEED ONLY AGAINST  
DEFENDANT BARAJAS ON  
PLAINTIFF'S EIGHTH AMENDMENT  
CONDITIONS OF CONFINEMENT  
CLAIM

ORDER DISMISSING ALL OTHER  
CLAIMS AND DEFENDANTS

Plaintiff Vance Edward Johnson ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The case now proceeds on the First Amended Complaint filed by Plaintiff on August 21, 2015. (ECF No. 9.) 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, 2016, the court entered findings and recommendations, recommending that this action proceed only against defendant Barajas on Plaintiff's Eighth Amendment conditions of confinement claim, and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (ECF No. 19.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within

1 twenty days. To date, Plaintiff has not filed objections or otherwise responded to the findings  
2 and recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
4 court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
5 the court finds the findings and recommendations to be supported by the record and proper  
6 analysis.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The findings and recommendations issued by the Magistrate Judge on  
9 September 21, 2016, are ADOPTED in full;
- 10 2. This action now proceeds on Plaintiff's First Amended Complaint, filed by  
11 Plaintiff on August 21, 2015, against defendant Correctional Officer Barajas on  
12 Plaintiff's conditions of confinement claim under the Eighth Amendment;
- 13 3. All remaining claims and defendants are DISMISSED from this action;
- 14 4. Plaintiff's Fourteenth Amendment equal protection claim is dismissed from this  
15 action based on Plaintiff's failure to state a claim; and
- 16 5. This case is referred back to the Magistrate Judge for further proceedings,  
17 including initiation of service of process.

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19 IT IS SO ORDERED.

20 Dated: October 20, 2016

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