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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT R. RECINO,
Plaintiff,
v.
UNKNOWN,
Defendant.

Case No. 1:15-cv-00362-LJO-BAM (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
CLAIMS AND DEFENDANTS
(ECF No. 32)

Plaintiff Robert R. Recino (“Plaintiff”) is a state prisoner proceeding *pro se and in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff originally filed this matter in the U.S. District Court for the Central District of California, and it was transferred to this Court on March 6, 2015.

On July 27, 2016, the Magistrate Judge issued Findings and Recommendations that Defendants Neubarth, Nair, Klarich, and Howden be dismissed from this action, for Plaintiff’s failure to state a claim upon which relief may be granted against them. (ECF No. 32.) The findings and recommendations were served on Plaintiff and contained notice that any objections must be filed within fourteen days after service of the order. (*Id.* at 6.) More than fourteen days have passed, and no objections were filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case and carefully reviewed the entire file. The Court finds that the
3 Findings and Recommendations are supported by the record and by proper analysis.

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations dated July 27, 2016 (ECF No. 32) are
6 ADOPTED IN FULL;
- 7 2. Defendants Neubarth, Nair, Klarich, and Howden, are dismissed from this action
8 for failure to state a claim for which relief may be granted against them; and,
- 9 3. This action proceeds on Plaintiff's third amended complaint, dated July 12, 2016
10 (ECF No. 30), against the two unknown correctional officer defendants for
11 allegedly failing to intercede as Plaintiff was beaten by other inmates, and for
12 delaying in obtaining medical treatment for him after the beating, in violation of
13 the Eighth Amendment

14
15 IT IS SO ORDERED.

16 Dated: August 23, 2016

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