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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 REAMEL CURTIS,

12 Plaintiff,

13 vs.

14 KELLI HARRINGTON, *et al.*,

15 Defendants.  
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1:15-cv-00553-LJO-EPG-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL THAT  
THIS ACTION PROCEED ONLY AGAINST  
DEFENDANTS GONZALEZ AND  
MARTINEZ ON PLAINTIFF'S DENIAL OF  
ACCESS TO COURTS CLAIMS AND THAT  
ALL OTHER CLAIMS AND DEFENDANTS  
BE DISMISSED

(ECF No. 15)

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19 Curtis Reamel ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
20 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United  
21 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On September 28, 2016, the Magistrate Judge filed a Findings and Recommendations  
23 that this action should proceed on Plaintiff's failure to protect claim against defendants  
24 Gonzalez and Burgarin. (ECF No. 15.) The Magistrate Judge further recommended that 1) all  
25 remaining claims and defendants be dismissed from this action; and 2) Plaintiff's claim for  
26 excessive force be dismissed from this action based on Plaintiff's failure to state a claim. (*Id.*)  
27 This was served on Plaintiff that same day and contained notice that any objections were to be  
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1 filed within twenty days. (*Id.*) Plaintiff did not file any objections and has agreed to proceed  
2 only on his failure to protect claim (ECF No. 14).

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Findings and Recommendations, filed September 28, 2016 (Doc. 15), are  
5 adopted in full;
- 6 2. This action shall proceed only against defendants Gonzalez and Burgarin on  
7 Plaintiff's failure to protect claim;
- 8 3. All remaining claims and defendants are dismissed from this action; and
- 9 4. Plaintiff's claim for excessive force is dismissed from this action based on  
10 Plaintiff's failure to state a claim.

11 IT IS SO ORDERED.

12 Dated: December 5, 2016

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