



1 effectuate service. (Doc. No. 20.) On September 11, 2017, the undersigned granted defendants'  
2 motion to dismiss as to plaintiff's state law negligence claims and dismissed defendant Stolfus  
3 from this action. (Doc. No. 33.) This case now proceeds only against defendant Toor with  
4 respect to plaintiff's claim of deliberate indifference in violation of the Eighth Amendment  
5 regarding conduct in May–June 2016.

6 On January 22, 2018, the assigned magistrate judge re-screened plaintiff's second  
7 amended complaint in light of the decision in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017),  
8 which held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice in  
9 screening prisoner complaints even if a plaintiff has consented to magistrate judge jurisdiction, as  
10 plaintiff did here, where all named defendants, including those who had not yet appeared in the  
11 action, had not consented to magistrate judge jurisdiction. (Doc. No. 43.) Concurrently, the  
12 assigned magistrate judge issued findings and recommendations, recommending that the  
13 undersigned dismiss all claims previously found to be non-cognizable by the magistrate judge.  
14 (*Id.*) The parties were given fourteen days to file objections to those findings and  
15 recommendations. To date, the parties have filed no objections, and the time for doing so has  
16 now passed.

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

20 Accordingly,

- 21 1. The findings and recommendations issued January 22, 2018 (Doc. No. 43) are  
22 adopted in full;
- 23 2. Plaintiff's Eighth Amendment claims against defendants Stolfus and Sisodia are  
24 dismissed;
- 25 3. Plaintiff's Eighth Amendment claim against defendant Toor for delaying the knee  
26 procedures for two years is dismissed;
- 27 4. Plaintiff's custom and practice claim is dismissed as to all defendants; and

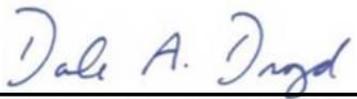
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5. This action proceeds solely on plaintiff's Eighth Amendment deliberate indifference claim against defendant Toor regarding conduct in May–June 2016.

IT IS SO ORDERED.

Dated: April 12, 2018

  
UNITED STATES DISTRICT JUDGE