

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 THOMAS L. GOFF,
8 Plaintiff,

9 v.

10 GAMEZ, et al.,
11 Defendants.
12

Case No. 1:15-cv-00937-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF NOS. 28 & 34)

13
14 Thomas Goff (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
15 this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds on
16 Plaintiff’s First Amended Complaint, which was filed on December 29, 2017. (ECF No. 28).
17 The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. §
18 636(b)(1)(B) and Local Rule 302.

19 On April 17, 2018, Magistrate Judge Erica P. Grosjean entered findings and
20 recommendations, recommending that this action proceed on Plaintiff’s claims against
21 defendant Gamez and Doe defendant for excessive force in violation of the Eighth Amendment,
22 against Doe defendants for failure to protect in violation of the Eighth Amendment, and against
23 Doe defendant(s) for an unreasonable visual body cavity search in violation of the Fourth
24 Amendment. (ECF No. 34). Judge Grosjean also recommended that all other claims and
25 defendants be dismissed. (*Id.*).

26 Plaintiff was provided an opportunity to file objections to the findings and
27 recommendations. On May 2, 2018, Plaintiff filed a notice that he agrees with Judge
28 Grosjean’s findings and recommendations. (ECF No. 35).

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

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The findings and recommendations issued by the Magistrate Judge on April 17,
7 2018, are ADOPTED in full;
- 8 2. This action now proceeds on Plaintiff's First Amended Complaint (ECF No.
9 28), on Plaintiff's claims against defendant Gamez and Doe defendant for
10 excessive force in violation of the Eighth Amendment, against Doe defendants
11 for failure to protect in violation of the Eighth Amendment, and against Doe
12 defendant(s) for an unreasonable visual body cavity search in violation of the
13 Fourth Amendment;
- 14 3. All other claims and defendants are DISMISSED;
- 15 4. The Clerk of Court is DIRECTED to reflect the dismissal of defendants Harris,
16 Everhart, and J. Thompson on the Court's docket; and
- 17 5. This case is referred back to the Magistrate Judge for further proceedings.

18 IT IS SO ORDERED.

19 Dated: May 11, 2018

20 
21 _____
22 SENIOR DISTRICT JUDGE
23
24
25
26
27
28