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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 1:15-cv-00987-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 25)

Plaintiff Jared M. Villery is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 5, 2017, the assigned magistrate judge screened plaintiff's first amended complaint (Doc. No. 22) and issued findings and recommendations recommending that this action proceed against defendants Kendall, Acosta, Naficy, Jones, Guerrero, Aithal, Seymour, Carrizales, Woodard, Pallares, Hernandez, Fisher, Grimmig, and Miranda for deliberate indifference in violation of the Eighth Amendment, and against defendants Beard and Kernan for promulgation of a policy to deny single cell housing for inmates with serious mental disorders in violation of the Eighth Amendment. (Doc. No. 25.) The magistrate judge further recommended that plaintiff's claims against defendants CDCR, J. Lewis, R. L. Briggs, K. Z. Allen, Oleg

1 Lifyandsky, C. Cornell, Barbara Zager, Kimberly Holland, R. A. Groves, and C. Schuyler be  
2 dismissed for the failure to state a claim upon which relief may be granted. (*Id.*)

3 The findings and recommendations were served on plaintiff and contained notice that any  
4 objections thereto were to be filed within thirty (30) days after service. More than thirty days  
5 have passed, and no objections have been filed.

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

9 Accordingly,

10 1. The findings and recommendations issued on July 5, 2017 (Doc. No. 25) are  
11 adopted in full;

12 2. This action shall proceed against defendants Kendall, Acosta, Naficy, Jones,  
13 Guerrero, Aithal, Seymour, Carrizales, Woodard, Pallares, Hernandez, Fisher, Grimmig, and  
14 Miranda for deliberate indifference in violation of the Eighth Amendment, and against defendants  
15 Beard and Kernan for promulgation of a policy to deny single cell housing for inmates with  
16 serious mental disorders, in violation of the Eighth Amendment;

17 3. Plaintiff's claims against defendants CDCR, J. Lewis, R. L. Briggs, K. Z. Allen,  
18 Oleg Lifyandsky, C. Cornell, Barbara Zager, Kimberly Holland, R. A. Groves, and C. Schuyler  
19 are dismissed from this action for the failure to state a claim upon which relief may be granted;  
20 and

21 4. This action is referred back to the magistrate judge for further proceedings  
22 consistent with this order.

23 IT IS SO ORDERED.

24 Dated: October 20, 2017

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27 UNITED STATES DISTRICT JUDGE  
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