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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SCOTT K. RICKS,	)	1:15-cv-01147-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS AND DISMISSING
v.	)	CERTAIN CLAIMS AND DEFENDANTS
	)	
A. AUSTRIA,	)	(ECF No. 49)
	)	
Defendant.	)	
	)	

Plaintiff Scott K. Ricks is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action is related to *Ricks v. Onyeye, et al.*, 1:15-cv-1148-AWI-BAM, and *Ricks v. Levine, et al.*, 1:15-cv-1150-AWI-BAM.

On August 5, 2015, the assigned magistrate judge screened Plaintiff’s complaint and found that he stated a claim against Dr. Austria for deliberate indifference to Plaintiff’s serious medical needs in violation of the Eighth Amendment. (ECF No. 20.) The magistrate judge dismissed all other claims and defendants, with prejudice, for failure to state a claim. (ECF No. 22.)

On December 22, 2017, the assigned magistrate judge re-screened Plaintiff’s complaint, recognizing that a recent Ninth Circuit opinion, *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), had held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice in screening prisoner complaints even if a plaintiff has consented to magistrate judge jurisdiction, as Plaintiff did here. (ECF No. 49.) Concurrently, the magistrate judge issued findings and recommendations recommending that the undersigned dismiss the non-cognizable claims. (*Id.*)

1 The parties were given fourteen days to file objections to those findings and recommendations.

2 The parties did not file any objections, and the time in which to do so has expired.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
4 undersigned has conducted a *de novo* review of the case. The undersigned concludes the  
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED as follows:

- 7 1. The findings and recommendations issued on December 22, 2017, (ECF No. 49) are  
8 adopted in full;
- 9 2. This case proceeds only on Plaintiff's claim against Defendant Austria for deliberate  
10 indifference to serious medical needs in violation of the Eighth Amendment;
- 11 3. All other claims, and Defendants Chernekoff, Odeluga, and Kelso, are dismissed from  
12 this action for Plaintiff's failure to state a claim for which relief may be granted.

13  
14 IT IS SO ORDERED.

15 Dated: February 26, 2018

  
16 SENIOR DISTRICT JUDGE