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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASPER F. WILSON,  
Plaintiff,  
v.  
JEFFREY A. BEARD, et al.,  
Defendants.

No. 1:15-cv-01424-DAD-BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS  
(Doc. No. 13)

Plaintiff Jasper F. Wilson is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 30, 2017, the assigned magistrate judge screened plaintiff’s complaint under 28 U.S.C. § 1915A and found that it stated a cognizable claim against defendants Holland, Recio, Medina, Cuaron, Coria, Negrete, Beard, Stainer, and Walsh for violation of the Eighth Amendment based on unsafe and unhealthy conditions of confinement, but failed to state any other cognizable claims. (Doc. No. 9.) The magistrate judge provided plaintiff with an opportunity to file a first amended complaint or notify the court of his willingness to proceed only on his claims that were found to be cognizable. (*Id.*) On December 11, 2017, plaintiff notified the court of his intention to proceed only on his cognizable claims. (Doc. No. 10.)

Accordingly, on December 12, 2017, the magistrate judge issued findings and recommendations that: (1) this action proceed on plaintiff’s complaint, filed on September 21,

1 2015, against defendants Holland, Recio, Medina, Cuaron, Coria, Negrete, Beard, Stainer, and  
2 Walsh for unsafe and unhealthy conditions in violation of the Eighth Amendment; (2) plaintiff's  
3 remaining claims be dismissed from this action; and (3) defendants Dailo, Westergren, and  
4 Nagandi be dismissed from this action. (Doc. No. 13.) The findings and recommendations were  
5 served on plaintiff and contained notice that any objections thereto were to be filed within  
6 fourteen (14) days after service. (*Id.*)

7 On December 19, 2017, plaintiff's address was changed pursuant to a notice filed in  
8 *Wilson v. Beard*, No. 2:15-cv-1481 (E.D. Cal.). Pursuant to that notice, the magistrate judge  
9 directed the Clerk of the Court to re-serve the findings and recommendations on plaintiff and  
10 extended the deadline for plaintiff's objections to thirty (30) days from the date of re-service.  
11 (Doc. No. 14.) More than thirty days have passed, and no objections have been filed.

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

15 Accordingly:

- 16 1. The findings and recommendations issued on December 12, 2017 (Doc. No. 13)  
17 are adopted in full;
- 18 2. This action shall proceed on plaintiff's complaint, filed on September 21, 2015  
19 (Doc. No. 1), against defendants Holland, Recio, Medina, Cuaron, Coria, Negrete,  
20 Beard, Stainer, and Walsh for violation of the Eighth Amendment based on unsafe  
21 and unhealthy conditions of confinement;
- 22 3. Plaintiff's remaining claims and defendants Dailo, Westergren, and Nagandi are  
23 dismissed from this action based on plaintiff's failure to state claims upon which  
24 relief may be granted; and

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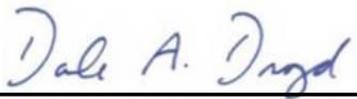
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4. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: April 18, 2018

  
UNITED STATES DISTRICT JUDGE