

1 the plaintiff has consented to magistrate judge jurisdiction, as plaintiff had here. (ECF
2 No. 47.) Concurrently, the Magistrate Judge issued findings and recommendations
3 recommending that the undersigned dismiss the non-cognizable claims. (Id.) The parties
4 were given fourteen days to file objections to those findings and recommendations. No
5 objections were filed, and the time in which to do so has now passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,
7 the Court has conducted a de novo review of Plaintiff's case. The Court finds the findings
8 and recommendations to be supported by the record and by proper analysis.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The findings and recommendations issued January 10, 2018 (Doc. No. 47),
11 are adopted in full; and
- 12 2. Plaintiff's Eighth Amendment medical indifference claim against Lt. Marsh
13 and his official capacity claim against all Defendants are DISMISSED with
14 prejudice; and
- 15 3. This case shall continue to proceed on Plaintiff's Eighth Amendment
16 excessive force claims against Defendants Martinez and Johnson in their
17 individual capacities, and Plaintiff's Eighth Amendment failure to intervene
18 against Defendant Lt. Marsh in his individual capacity¹.

19 IT IS SO ORDERED.

20 Dated: February 7, 2018

21 
22 SENIOR DISTRICT JUDGE

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27 ¹ As stated in the Court's January 29, 2018, order on Defendants' motion for summary judgment, the
28 failure to intervene claim is limited to an alleged assault that occurred outside of the Program Office. (ECF
No. 48.)