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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 RAYMOND ALFORD BRADFORD,  
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10 Plaintiff,

11 v.

12 C. OGBUEHI, et al.,

13 Defendants.  
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Case No. 1:15-cv-01918-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN DEFENDANTS

[ECF No. 26]

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

18 On February 9, 2018, the assigned magistrate judge issued findings and recommendations  
19 recommending that this action should proceed on Plaintiff's claim against Defendants Ogbuehi  
20 and Nietas in their individual capacity for deliberate indifference to his serious medical need in  
21 violation of the Eighth Amendment. (ECF No. 31.) The magistrate judge further recommended  
22 that Plaintiff's claim against Defendants Ogbuehi and Nietas in their official capacities, and for a  
23 declaratory judgment, be dismissed for the failure to state a claim upon which relief may be  
24 granted. (*Id.*) Plaintiff was given fourteen days to file objections to those findings and  
25 recommendations. No objections were filed within the time permitted.

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

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The findings and recommendations issued on February 9, 2018 (ECF No. 31), are  
3 adopted in full;
- 4 2. Plaintiff's claim against Defendants Ogbuehi and Nietas in their official  
5 capacities, and for a declaratory judgment, are dismissed for the failure to state a  
6 claim upon which relief may be granted; and
- 7 3. This action shall proceed on Plaintiff's claim against Defendants Ogbuehi and  
8 Nietas in their individual capacity for deliberate indifference to a serious medical  
9 need in violation of the Eighth Amendment.

10 IT IS SO ORDERED.

11 Dated: March 22, 2018

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13 SENIOR DISTRICT JUDGE