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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS FRANCISCO LOPEZ,

 Plaintiff,

 v.

V. SHULTZ, et al.,

 Defendants.

No. 1:16-cv-00038-DAD-GSA

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, FINDING CERTAIN
CLAIMS COGNIZABLE, DISMISSING
OTHER CLAIMS AND DEFENDANTS, AND
REFERRING BACK TO MAGISTRATE
JUDGE FOR INITIATION OF SERVICE

(Doc. No. 13)

Plaintiff is a former state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on plaintiff’s original complaint filed on January 12, 2016. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 14, 2016, the assigned magistrate judge issued a screening order, finding cognizable claims only against (1) defendant Shultz for failure to protect plaintiff in violation of the Eighth Amendment; (2) defendants Rodriguez and Nurse Doe #6 for inadequate medical care in violation of the Eighth Amendment; (3) defendants Zanchi and Sergeant Doe #5 for retaliation in violation of the First Amendment; and (4) related state law claims. (Doc. No. 13.) That screening order directed plaintiff to either file a first amended complaint addressing the deficiencies noted therein or to notify the court of his willingness to proceed on the claims found

1 cognizable by the court in the screening order. (Id.) Plaintiff notified the court on November 21,
2 2016 that he wished to proceed only on the claims found cognizable in the screening order and
3 did not wish to file an amended complaint. (Doc. No. 12.) On December 29, 2016, the
4 magistrate judge issued findings and recommendations recommending the above-mentioned
5 claims be allowed to proceed against the identified defendants, and all other claims and
6 defendants be dismissed from this action based on plaintiff's failure to state a cognizable federal
7 claim against them. (Doc. No. 13.) Plaintiff was provided an opportunity to file objections to
8 those findings and recommendations within twenty days. No objection to the findings and
9 recommendations have been filed and the time in which to do so has now passed.

10 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
11 undersigned has conducted a de novo review of this case. Having carefully reviewed the entire
12 file, the undersigned concludes the findings and recommendations are supported by the record
13 and proper analysis.

14 Given the above:

15 1. The findings and recommendations issued by the Magistrate Judge on December 29,
16 2016 (Doc. No. 13) are adopted in full;

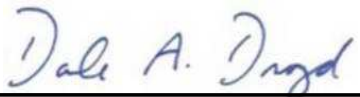
17 2. This action now proceeds on plaintiff's original complaint filed on January 12, 2016
18 (Doc. No. 1) against (a) defendant Shultz for failure to protect Plaintiff in violation of the Eighth
19 Amendment; (b) defendants Rodriguez and Nurse Doe #6 for inadequate medical care in violation
20 of the Eighth Amendment; (c) defendants Zanchi and Sergeant Doe #5 for retaliation in violation
21 of the First Amendment; and (d) related state law claims;

22 3. All remaining claims and defendants are dismissed from this action; and

23 4. This case is referred back to the assigned magistrate judge for further proceedings,
24 including initiation of service.

25 IT IS SO ORDERED.

26 Dated: May 10, 2017

27 
28 UNITED STATES DISTRICT JUDGE