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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	GARY RAY BETTENCOURT,	No. 1:16-cv-00150-DAD-BAM (PC)	
12	Plaintiff,		
13	v.	ORDER ADOPTING FINDINGS AND	
14	L. PARKER, et al.,	RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMS	
15	Defendants.	(Doc. No. 38)	
16			
17	Plaintiff Gary Ray Bettencourt is a state prisoner proceeding pro se and in forma pauperis		
18	in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a		
19	United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
20	On October 10, 2018, ¹ the assigned magistrate judge issued findings and		
21	recommendations finding that plaintiff had stated cognizable claims for deliberate indifference in		
22	violation of plaintiff's Eighth Amendment rights against defendant Crooks for pulling two of		
23	plaintiff's teeth that allegedly did not need to be pulled and against defendants Parker and		
24	Guzman for filing down six healthy teeth with a dental tool used for drilling cavities. (Doc. No.		
25	38 at 2, 6–7.) The magistrate judge also found that plaintiff had failed to state any other		
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27	¹ The court apologizes to the parties for the extensive delay in the issuance of this order. Due to an oversight, until very recently the undersigned was unaware that the October 10, 2018 findings		
28	and recommendations were pending.	ieu was unaware that the October 10, 2018 findings	

1	cognizable claims. (Id. at 2, 5–7.) In addition, the magistrate judge concluded that plaintiff had		
2	already been given an opportunity to amend his original complaint, with ample guidance from the		
3	court, and that the deficiencies in his first amended complaint were not capable of being cured by		
4	amendment. (<i>Id.</i> at 6.) Accordingly, the magistrate judge recommended that this action proceed		
5	only on plaintiff's Eighth Amendment claims against defendants and that the remainder of		
6	plaintiff's claims in the First Amended Complaint be dismissed. (Id.) The pending findings and		
7	recommendations were served on plaintiff and contained notice that any objections thereto were		
8	to be filed within fourteen (14) days after service. (Id. at 7.) On October 22, 2018, plaintiff filed		
9	objections to the findings and recommendations. (Doc. No. 39.)		
10	In his objections, plaintiff does not address or dispute any of the findings and		
11	recommendations. Rather, plaintiff merely restates the basis for his claim and attaches the same		
12	exhibits that were already considered by the magistrate judge before issuing the pending findings		
13	and recommendations. (Id.) Thus, plaintiff's objections provide no basis upon which to reject		
14	the pending findings and recommendations.		
15	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a		
16	de novo review of the case. Having carefully reviewed the entire file, including plaintiff's		
17	objections, the court concludes that the findings and recommendations are supported by the		
18	record and proper analysis.		
19	Accordingly,		
20	1. The findings and recommendations issued on October 11, 2018 (Doc. No. 38) are		
21	adopted in full;		
22	2. This action shall proceed only on plaintiff's Eighth Amendment claims against		
23	defendant Crooks for pulling two teeth that did not need to be pulled and against		
24	defendants Parker and Guzman for filing down six healthy teeth with a dental tool		
25	used for drilling cavities;		
26	3. All other claims are dismissed; and		
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1	4. This action is referred back to the assigned magistrate judge for further	
2	proceedings consistent with	this order.
3	IT IS SO ORDERED.	
4	Dated: June 30, 2020	Dale A. Drogd
5		UNITED STATES DISTRICT JUDGE
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