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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 JAMES JAMIL GARRETT,

10 Plaintiff,

11 v.

12 DR. NGOZI IGBINOSA,

13 Defendant.  
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Case No. 1:16-cv-00259-LJO-JDP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
NON-COGNIZABLE CLAIMS

(ECF No. 49)

15 James Jamil Garrett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*  
16 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to  
17 a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.  
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19 On April 3, 2018, Magistrate Judge Michael J. Seng entered findings and  
20 recommendations, recommending that this action continue to proceed only on Plaintiff’s Eighth  
21 Amendment and First Amendment claims against Defendant Igbinoso; and that the remaining  
22 Eighth Amendment claims be dismissed with prejudice. (ECF No. 49.) Plaintiff was given an  
23 opportunity to object to the findings and recommendations. Plaintiff filed his objections on  
24 April 18, 2018. (ECF No. 52.)

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this  
26 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
27 the Court finds the findings and recommendations to be supported by the record and proper  
28 analysis.

1 Accordingly, IT IS ORDERED that:

- 2 1. The findings and recommendations issued by the magistrate judge on April 3,  
3 2018, (ECF No. 49), are ADOPTED IN FULL;
- 4 2. This action shall continue to proceed only on Plaintiff's Eighth Amendment and  
5 First Amendment claims against Defendant Igbinosa; and
- 6 3. The remaining Eighth Amendment claims are dismissed with prejudice.

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8 IT IS SO ORDERED.

9 Dated: May 9, 2018

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE