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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL TREBAS,
Plaintiff,
v.
MARGARET MIMS, et al.,
Defendants.

No. 1:16-cv-00461-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART MOTION TO DISMISS, AND
DENYING MOTION TO STRIKE

(Doc. Nos. 24, 29)

Plaintiff Daniel Trebas is a state prisoner represented in this action by counsel, alleging claims pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) The case was removed from Alameda County Superior Court on January 29, 2016. (*Id.*) On January 9, 2017, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motion to dismiss be granted in part and denied in part. (Doc. No. 29.) The findings and recommendations were served on all parties with instructions that any objections thereto must be filed within twenty days. No objections have been filed, and the time in which to do so has passed.

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

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Given the above:

1. The January 9, 2017 findings and recommendations (Doc. No. 29) are adopted in full;

2. Defendant’s motion to dismiss, filed on October 18, 2016 (Doc. No. 24), is granted in part and denied in part;


3. Plaintiff’s first amended complaint (Doc. No. 22) shall proceed on the following claims: (1) against defendants Orr and Thomas for professional negligence under California common law; (2) against defendants Orr, Thomas and Moreno for deliberate indifference to serious medical needs in violation of the Fourteenth Amendment; and, (3) against defendant Thomas for violation of the Elder Abuse and Dependent Adult Civil Protection Act;

4. All other named defendants and causes of action are dismissed. Specifically, defendants Corizon Healthcare, Sheriff Margaret Mims, Fresno County Sheriff’s Department, and Does 1–50 are dismissed from this action; and,

5. Defendants’ motion to strike, filed on October 18, 2016 (Doc. No. 24), is denied.

IT IS SO ORDERED.

Dated: June 27, 2017


UNITED STATES DISTRICT JUDGE