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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA

4 DEDRIC TURNER,

5 Plaintiff,

6 vs.

7 M. PORTER, et al.,

8 Defendants.

1:16-cv-00542-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 32.)**

**ORDER DISMISSING CLAIMS AND
DEFENDANTS CONSISTENT WITH
MAGISTRATE JUDGE'S PRIOR
ORDER IN LIGHT OF WILLIAMS
DECISION**

**ORDER ASSIGNING CASE TO
MAGISTRATE JUDGE GARY S.
AUSTIN**

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15 Plaintiff Dedric Turner is a state prisoner proceeding *pro se* and *in forma pauperis* with
16 this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States
17 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On December 13,
18 2017, the court entered [findings and recommendations](#), recommending that claims and
19 defendants be dismissed consistent with the magistrate judge's prior order in light of the
20 *Williams*¹ decision. (Doc. No. 32.) The parties were granted fourteen days in which to file
21 objections to the findings and recommendations. (*Id.*) The fourteen-day time period has
22 expired, and no objections have been filed.

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

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¹ *Williams v. King*, 875 F.3d 500 (9th Cir. 2017).

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations entered by the magistrate judge on
3 December 13, 2017, are ADOPTED in full;
- 4 2. Consistent with the magistrate judge's prior screening order issued on March 28,
5 2017, claims and defendants are DISMISSED from the Complaint as follows,
6 for the reasons provided in the court's March 28, 2017, screening order:
- 7 (1) Defendants Correctional Officer M. Porter, Sergeant H. Adams, Chief
8 Deputy Warden Anti, and J. Benevidez are DISMISSED from this action
9 for Plaintiff's failure to state any claims under § 1983 against them upon
10 which relief may be granted; and
- 11 (2) Plaintiff's claims based on supervisory liability and a false RVR report
12 are DISMISSED from this action based on Plaintiff's failure to state a
13 claim;
- 14 3. It appearing that all parties to this action have consented to magistrate judge
15 jurisdiction, this case is ASSIGNED to Magistrate Judge Gary S. Austin for all
16 purposes within the meaning of 28 U.S.C. § 636(c), to conduct any and all
17 further proceedings in this case, including trial and entry of final judgment;
- 18 4. The Clerk of Court is DIRECTED to assign this action in its entirety to
19 Magistrate Judge Gary S. Austin;
- 20 5. The new case number is 1:16-cv-00542-GSA-PC; and
- 21 6. This case is referred to Magistrate Judge Gary S. Austin for all further
22 proceedings.

23 IT IS SO ORDERED.

24 Dated: January 10, 2018

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26 SENIOR DISTRICT JUDGE