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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHARLES WINDHAM,)	Case No.: 1:16-cv-00979-AWI-SAB (PC)
Plaintiff,)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATIONS, DISMISSING CERTAIN
C. RODRIGUEZ, et al.,)	CLAIMS AND DEFENDANTS
Defendants.)	[ECF No. 11]
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)	

Plaintiff Charles Windham is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. 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 October 17, 2016, the Magistrate Judge issued Findings and Recommendations recommending that Defendant Warden Davey, and Plaintiff’s claims of denial of medical care, free exercise of religion, access to courts, and deprivation of property, be dismissed for failure to state a claim upon which relief could be granted. (ECF No. 11.) This recommendation followed Plaintiff’s October 13, 2016 notice that he is willing to proceed on his claims against Defendant Rodriguez for excessive force in violation of the Eighth Amendment, which the Magistrate Judge had previously found was cognizable. (ECF No. 10.)

The Findings and Recommendations were served on Plaintiff and contained notice that objections were to be filed within thirty (30) days. Over thirty days have passed, and no objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations issued October 17, 2016 (ECF No. 11), are adopted in full;
2. This action shall proceed on Plaintiff's claim of excessive force against Defendant C/O Rodriguez;
3. Defendant Warden Davey is dismissed for the failure to state a claim upon which relief could be granted; and
4. Plaintiff's claims of denial of medical care, free exercise of religion, access to courts, and deprivation of property are also dismissed for failure to state a claim upon which relief could be granted.

IT IS SO ORDERED.

Dated: December 2, 2016



SENIOR DISTRICT JUDGE