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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 ANGEE BURRELL,

9 Plaintiff,

10 v.

11 RUSLAN LOZOVY, et al.,

12 Defendants.  
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Case No. 1:16-cv-01118-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN DEFENDANTS

[ECF No. 26]

15 Plaintiff Angee Burrell is a state prisoner appearing *pro se* and *in forma pauperis* in this  
16 civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States  
17 Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

18 On December 7, 2017, the assigned magistrate judge issued findings and  
19 recommendations recommending that this action should proceed on Plaintiff's claim for  
20 deliberate indifference to a serious medical need in violation of the Eighth Amendment against  
21 Defendants Lozovoy and Sao, and for retaliation in violation of the First Amendment against  
22 Defendant Sao. (ECF No. 26.) The magistrate judge further recommended that all other  
23 defendants be dismissed for the failure to state a claim against them upon which relief may be  
24 granted. (*Id.*) Plaintiff was given fourteen days to file objections to those findings and  
25 recommendations. No objections were filed.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
27 undersigned has conducted a *de novo* review of this case. The undersigned concludes the  
28 findings and recommendations are supported by the record and by proper analysis.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The findings and recommendations issued on December 7, 2017 (ECF No. 26),  
3 are adopted in full;
- 4 2. This action shall proceed on Plaintiff's claim for deliberate indifference to a  
5 serious medical need in violation of the Eighth Amendment against Defendants  
6 Lozovoy and Sao, and for retaliation in violation of the First Amendment against  
7 Defendant Sao;
- 8 3. All other claims and defendants are dismissed from this action for the failure to  
9 state a claim upon which relief may be granted; and
- 10 4. This matter is referred back to the Magistrate Judge for further proceedings.

11 IT IS SO ORDERED.

12 Dated: April 20, 2018

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15 SENIOR DISTRICT JUDGE