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

| | | |
|--------------------------|---|--------------------------------------|
| MARK D. FOLEY, |) | Case No.: 1:16-cv-01119-AWI-SAB (PC) |
| Plaintiff, |) | |
| v. |) | ORDER ADOPTING FINDINGS AND |
| RUSLAN LOZOVYOY, et al., |) | RECOMMENDATIONS, FINDING SERVICE OF |
| Defendants. |) | FIRST AMENDED COMPLAINT APPROPRIATE |
| |) | AS TO CERTAIN DEFENDANTS, DISMISSING |
| |) | ALL OTHER DEFENDANTS AND CLAIMS, AND |
| |) | REFERRING MATTER BACK TO THE |
| |) | MAGISTRATE JUDGE FOR INITIATION OF |
| |) | SERVICE OF PROCESS |
| |) | |
| |) | [ECF Nos. 11, 13, 14, 15] |
| |) | |

Plaintiff Mark D. Foley is appearing 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 April 5, 2017, the Magistrate Judge filed a Findings and Recommendations which was served on Plaintiff and contained notice that objections to the Findings and Recommendations were to be filed within fourteen days. The fourteen day period has expired 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, filed on April 5, 2017, are adopted in full;

2. This action shall proceed on Plaintiff's claim for deliberate indifference to a serious medical need in violation of Eighth Amendment against Defendants R. Lozovoy, S. Lopez, E. Vitto, E. Ramirez, H. Ducusin, C. Triesch, Mason, and Doe 1;

3. All other Defendants and claims are dismissed from the action for failure to state a cognizable claim for relief;

4. Plaintiff's request for declaratory judgment and transfer to Mule Creek State Prison are dismissed; and

5. The matter is referred back to the Magistrate Judge for initiation of service of process.

IT IS SO ORDERED.

Dated: May 15, 2017



SENIOR DISTRICT JUDGE