

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES W. MILLNER,
Plaintiff,
v.
DR. WOODS, et al.,
Defendants.

Case No. 1:16-cv-01209-LJO-SAB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
PLAINTIFF’S MOTION TO AMEND
COMPLANT
(ECF Nos. 40, 51)

Plaintiff James W. Millner is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s claim for deliberate indifference to a serious dental need in violation of the Eighth Amendment against Defendants Woods and Hashem. (ECF Nos. 8, 9.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 24, 2018, Plaintiff filed a motion to amend the complaint to add Dr. Napoles as a defendant in this action. (ECF No. 40.) On February 8, 2019, the Magistrate Judge issued findings and recommendations that Plaintiff’s motion to amend the complaint be denied. (ECF No. 51.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service of the findings and recommendations. *Id.* at 6. More than twenty-one days have passed since the findings and recommendations were served and no objections have been 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 that the Magistrate Judge’s findings and recommendations are supported by the record and by proper

1 analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations issued on February 8, 2019, (ECF No. 51), are
4 adopted in full;
- 5 2. Plaintiff's motion to amend the complaint, (ECF No. 40), is DENIED; and
- 6 3. This matter is referred to the assigned Magistrate Judge for further proceedings.

7

8

9 IT IS SO ORDERED.

10

11 Dated: March 19, 2019

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28