8 UNITED STATES DISTRICT COURT	
9 FOR THE EASTERN DISTRICT OF CALIFORNIA	
BRIAN APPLEGATE,	No. 1:16-cv-01343-DAD-MJS (PC)
Plaintiff,	
v.	ORDER ADOPTING FINDINGS AND
CCI, et al.,	RECOMMENDATIONS TO GRANT IN PART AND DENY IN PART MOTION TO
Defendants.	DISMISS  (D. N. 16 24)
	(Doc. Nos. 16, 24)
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Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights	
action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States	
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States	
21 District Court for the Eastern District of California.	
On April 26, 2017, the assigned magistrate judge issued findings and recommendations	
recommending that defendants' motion to dismiss be granted in part and denied in part. (Doc.	
No. 24.) The magistrate judge recommended denying defendants' motion to dismiss the entire	
25 action, but recommended dismissal of California Correctional Institution, California Correctional	
Health Care Services, and Defendant Lewis, as duplicative defendants. The findings and	
27 recommendations advised the parties that any objections thereto were to be filed within fourteen	
days. No objections were filed and the time for doing so has passed.	
	BRIAN APPLEGATE,  Plaintiff,  v.  CCI, et al.,  Defendants.  Plaintiff is a state prisoner proceeding action brought pursuant to 42 U.S.C. § 1983.  Magistrate Judge pursuant to 28 U.S.C. § 636  District Court for the Eastern District of Cali  On April 26, 2017, the assigned magi recommending that defendants' motion to dis  No. 24.) The magistrate judge recommended action, but recommended dismissal of Califo Health Care Services, and Defendant Lewis, recommendations advised the parties that any

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court 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. Accordingly, it is HEREBY ORDERED that: 1. The findings and recommendations filed April 26, 2017 (Doc. No. 24) are adopted in full; 2. Defendants' motion to dismiss (Doc. No. 16) is granted in part and denied in part; 3. Defendants California Correctional Institution, California Correctional Health Care Services, and J. Lewis are dismissed from this action with prejudice; and 4. The action shall proceed only against the defendant California Department of Corrections and Rehabilitation. IT IS SO ORDERED. Dated: **June 7, 2017**