UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CEDRIC CHESTER JOHNSON,

Plaintiff,

v.

NORTH KERN STATE PRISON, et al.,

Defendants.

No. 1:16-cv-01371-DAD-BAM

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS THAT CERTAIN CLAIMS AND DEFENDANTS BE DISMISSED AND FIRST AMENDED COMPLAINT BE ALLOWED TO PROCEED ON COGNIZABLE CLAIMS

(Doc. No. 15)

Plaintiff is a state prisoner proceeding *pro se* and *in forma papueris* in this civil rights action filed on September 6, 2016.

On December 16, 2016, the assigned magistrate judge issued findings and recommendations recommending that this action proceed on plaintiff's first amended complaint, filed on November 21, 2016, against defendants Speakman, Rocha, Jones and Mrs. K for deliberate indifference in violation of the Eighth Amendment and that plaintiff's remaining claims and defendant Warden of North Kern State Prison be dismissed from this action. (Doc. No. 15.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 15.) No objections were filed, and the time in which to do so has passed. Plaintiff previously consented to proceed only on his claims found cognizable by the assigned magistrate judge, and declined the

opportunity to file a second amended complaint. (Doc. No. 14.)

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

Accordingly,

1. The findings and recommendations issued on December 16, 2016 (Doc. No. 15) are adopted in full;

2. This action shall proceed on plaintiff's first amended complaint, filed on November 21, 2016, against defendants Speakman, Rocha, Jones and Mrs. K.;

3. Plaintiff's remaining claims are dismissed from this action; and

4. Defendant Warden of North Kern State Prison is dismissed from this action; and

5. The matter is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **February 21, 2017**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE