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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO AMADOR GONZALEZ,  
Plaintiff,  
v.  
DR. SCHARFFENBERG et al.,  
Defendants.

No. 1:16-cv-01675-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 84)

Plaintiff Mario Gonzalez is a state prisoner proceeding *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 January 3, 2018, the assigned magistrate judge re-screened plaintiff’s second amended complaint, recognizing that a recent Ninth Circuit opinion, *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), held that 28 U.S.C. § 636(c)(1) requires the consent of all named plaintiffs and defendants, even those not served with process, before jurisdiction may vest in a magistrate judge to dispose of a civil case. (Doc. No. 84.) Concurrently, the magistrate judge issued findings and recommendations recommending that defendants Edmund G. Brown Jr., Kelly Harrington, and J. Beard/Scott Kernan be dismissed from this action due to plaintiffs’ failure to state a claim against them. (*Id.* at 7.) The parties were provided an opportunity to file objections to the findings and

1 recommendations within fourteen days. No objections were filed and the time for doing so has  
2 passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this  
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
5 court finds the findings and recommendations to be supported by the record and proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued by the magistrate judge on January 3, 2018  
8 (Doc. No. 84) are adopted in full;
- 9 2. Defendants Edmund G. Brown Jr., Kelly Harrington, and J. Beard/Scott Kernan are  
10 dismissed from this action for plaintiff's failure to state a claim;
- 11 3. This action proceeds solely on plaintiff's Eighth Amendment claims against  
12 defendants R.N. Soto and Dr. Scharffenberg for deliberate indifference to serious  
13 medical needs; and
- 14 4. This case is referred back to the magistrate judge for further proceedings.

15 IT IS SO ORDERED.

16 Dated: February 1, 2018

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19 UNITED STATES DISTRICT JUDGE  
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