UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DERRYL TYRONE FOSTER,

        Plaintiff,

        v.

J. HUEWE, et al.,

        Defendants.

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Case No.: 1:16-cv-01839-AWI-SAB (PC)

ORDER ON FINDINGS AND RECOMMENDATION

(Doc. Nos. 12, 13, 14)

Plaintiff Derryl Tyrone Foster is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following Plaintiff's decline to proceed before a United States Magistrate Judge, this matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 20, 2017, the assigned Magistrate Judge issued Findings and Recommendations recommending that this action proceed against Defendants Huewe and Vargas for failure to protect, and Defendants Cordova and McIntarr for excessive force in violation of the Eighth Amendment, and all other claims be dismissed from the action for failure to state a cognizable claim for relief. The Findings and Recommendations were served on Plaintiff and contained notice that objections were to be filed within thirty days. No objections were filed, and the deadline by which to do so has passed. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo*

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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.

Based on the foregoing,

1.	The Findings and Recommendations filed April 20, 2017, are adopted in full;

2.	This action shall proceed against Defendants Huew and Vargas for failure to protect, and Defendants Cordova and McIntarr for excessive force in violation of the Eighth Amendment;

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

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

IT IS SO ORDERED.

Dated: June 14, 2017

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SENIOR DISTRICT JUDGE