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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 TOY TERRELL SMITH,
9 Plaintiff,
10 v.
11 J. TORRES, et al.,
12 Defendants.
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Case No. 1:16-cv-01924-AWI-EPG (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF Nos. 10, 11, & 24)

14 Toy Terrell Smith (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
15 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred
16 to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

17 On December 26, 2017, Magistrate Judge Erica P. Grosjean entered findings and
18 recommendations, recommending that all claims and defendants, except for Plaintiff’s claims
19 against J. Torres, M. Hoggard, and J. Acebedo for failure to protect in violation of the Eighth
20 Amendment. (ECF No. 24, p. 14).

21 The parties were provided an opportunity to file objections to the findings and
22 recommendations within fourteen days. On January 12, 2018, Plaintiff filed an objection to the
23 findings and recommendations. (ECF No. 25.) While Plaintiff identifies several perceived
24 factual inaccuracies in the findings and recommendations, he articulates no legal argument as to
25 any perceived error in the Magistrate Judge’s legal reasoning concerning a specific claim. (*Id.*)
26 Even if correct, the purported factual inaccuracies in the Magistrate Judge’s findings and
27 recommendations do not impact the outcome.

28 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this

1 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
2 the Court finds the findings and recommendations to be supported by the record and proper
3 analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on December 26,
6 2017, are ADOPTED IN FULL;
- 7 2. All claims and defendants, except for Plaintiff's claims against J. Torres, M.
8 Hoggard, and J. Acebedo for failure to protect in violation of the Eighth
9 Amendment, are DISMISSED; and
- 10 3. This case is referred back to the Magistrate Judge for further proceedings.

11 IT IS SO ORDERED.

12 Dated: February 9, 2018

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15 SENIOR DISTRICT JUDGE
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