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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,
Plaintiff,
v.
MANSOUR, et al.,
Defendants.

No. 1:17-cv-00071-DAD-MJS

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, FINDING CERTAIN
CLAIMS COGNIZABLE AND DISMISSING
OTHER CLAIMS AND DEFENDANTS, AND
REFERRING BACK TO ASSIGNED
MAGISTRATE JUDGE

(Doc. No. 30)

Plaintiff 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 of the United States District Court for the Eastern District of California.

On September 19, 2017, the assigned magistrate judge issued findings and recommendations recommending that plaintiff be permitted to proceed on his second amended complaint against defendant Dr. Yasser Mansour on an Eighth Amendment deliberate indifference to medical needs claim in his individual capacity and against California State Prison in Corcoran, California (“CSP-Corcoran”) on an Americans with Disabilities Act (“ADA”) damages claim. (Doc. No. 30.) The magistrate judge also recommended that all other claims and defendants be dismissed. Although the findings and recommendations provided plaintiff the

1 opportunity to object thereto, plaintiff subsequently filed a notice indicating his willingness to
2 proceed only on the claims found to be cognizable by the magistrate judge, indicating he has no
3 objections to the findings and recommendations. (Doc. No. 31.)

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

8 Accordingly:

- 9 1. The findings and recommendations issued on September 19, 2017 (Doc. No. 30) are
10 adopted in full;
- 11 2. Plaintiff's case shall proceed on his second amended complaint with respect to his Eighth
12 Amendment claim for deliberate indifference to medical needs against defendant
13 Mansour, and an ADA claim against CSP-Corcoran. All other claims and defendants are
14 hereby dismissed; and
- 15 3. The case is referred back to the assigned magistrate judge for further proceedings.

16 IT IS SO ORDERED.

17 Dated: December 2, 2017

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20 UNITED STATES DISTRICT JUDGE
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