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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERALD MORRIS LARRY,
Plaintiff,
v.
S. GOODWIN, et al.,
Defendants.

No. 1:17-cv-00172-DAD-GSA

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff Jerald Morris Larry is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action brought 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 October 10, 2017, the assigned magistrate judge screened plaintiff's complaint and found that the complaint stated only cognizable Eighth Amendment claims against defendants Reis and Goodwin based upon alleged unconstitutional conditions of confinement. (Doc. No. 11 at 8.) Accordingly, plaintiff was directed to either file an amended complaint or notify the court of his intent to proceed only on those claims found to be cognizable by the magistrate judge in the screening order. (*Id.* at 9.) On October 27, 2017, plaintiff filed a notice stating that he wished to proceed only on those claims found cognizable. (Doc. No. 12.)

Therefore, on October 31, 2017, the assigned magistrate judge issued findings and recommendations, recommending that the action proceed only against defendants Goodwin and

1 Reis on plaintiff's Eighth Amendment claims based upon alleged unconstitutional conditions of
2 confinement. (Doc. No. 13.) Plaintiff was provided fourteen days in which to file objections to
3 those findings and recommendations. (*Id.*) To date, plaintiff has not done so, and the time for
4 doing so has now passed.

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

8 Accordingly,

- 9 1. The findings and recommendations issued on October 31, 2017 (Doc. No. 13) are
10 adopted in full;
- 11 2. This action now proceeds with plaintiff's complaint filed on February 8, 2017
12 against defendants S. Goodwin (Supervisor Cook) and Reis (Supervisor Cook I),
13 on plaintiff's claims alleging that he was subjected to adverse conditions of
14 confinement in violation of the Eighth Amendment;
- 15 3. All remaining claims and defendants are dismissed from this action;
- 16 4. Defendants John Does #1 and #2 (Maintenance Workers) are dismissed from this
17 action based on plaintiff's failure to state any claims upon which relief may be
18 granted against them; and
- 19 5. This case is referred back to the assigned magistrate judge for further proceedings,
20 including initiation of service.

21 IT IS SO ORDERED.

22 Dated: January 19, 2018

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25 UNITED STATES DISTRICT JUDGE
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