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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EFREN DANIELLE BULLARD,
Plaintiff,
v.
R. ST. ANDRA, et al.,
Defendants.

CASE NO. 1:17-cv-00328-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS NON-
COGNIZABLE CLAIMS**

(ECF No. 25)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed 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 June 16, 2016, the Court screened Plaintiff’s first amended complaint (ECF No. 8) and found it states cognizable Eighth Amendment claims against CO Jane Doe and CO Benson; a conspiracy claim against CO Jane Doe and CO Benson; and a First Amendment retaliation claim against CO Davis. (ECF No. 10.) Although not expressly stated, the remaining claims apparently were dismissed for failure to state a claim.

On February 23, 2018, the Magistrate Judge re-screened Plaintiff’s complaint, recognizing that a recent Ninth Circuit opinion, Williams v. King, 875 F.3d 500 (9th Cir. 2017), held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice in screening prisoner complaints absent the consent of all parties, even if the

1 plaintiff has consented to magistrate judge jurisdiction, as plaintiff had here. (ECF No.
2 25.) Concurrently, the Magistrate Judge issued findings and recommendations
3 recommending that the undersigned dismiss the non-cognizable claims. (Id.) The parties
4 were given fourteen days to file objections to those findings and recommendations. No
5 objections were filed, and the time in which to do so has now passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,
7 the Court has conducted a de novo review of Plaintiff's case. Accordingly, the Court finds
8 the findings and recommendations to be supported by the record and by proper analysis.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The findings and recommendations issued February 23, 2018 are adopted
11 in full;
- 12 2. That this action continue to proceed only Plaintiff's Eighth Amendment
13 claims against CO Jane Doe and CO Benson; conspiracy claim against CO
14 Jane Doe and CO Benson; and First Amendment retaliation claim against
15 CO Davis; and
- 16 3. That all other claims and defendants are dismissed with prejudice.

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18 IT IS SO ORDERED.

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20 Dated: March 17, 2018

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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