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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 EDWARD B. SPENCER,

12 Plaintiff,

13 vs.

14 STUART SHERMAN,

15 Defendant.  
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18

1:17-cv-00479-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 13.)**

**ORDER FOR THIS ACTION TO PROCEED  
ONLY AGAINST DEFENDANT STUART  
SHERMAN, ON PLAINTIFF'S EIGHTH  
AMENDMENT CONDITIONS OF  
CONFINEMENT CLAIM, AND DISMISSING  
ALL OTHER CLAIMS**

19 Edward B. Spencer ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*  
20 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to  
21 a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On April 25, 2018, the court entered [findings and recommendations](#), recommending that  
23 this action proceed only against defendant Stuart Sherman on Plaintiff's claim for adverse  
24 conditions of confinement under the Eighth Amendment, and that all remaining claims be  
25 dismissed from this action. (ECF No. 13.) Plaintiff was provided an opportunity to file  
26 objections to the findings and recommendations within fourteen days. The fourteen-day  
27 deadline has expired, and Plaintiff has not filed objections or otherwise responded to the  
28 findings and recommendations.

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

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The findings and recommendations issued by the Magistrate Judge on April 25,  
7 2018, are ADOPTED in full;
- 8 2. This action now proceeds with Plaintiff's Complaint filed on April 4, 2017,  
9 against defendant Stuart Sherman on Plaintiff's claim for adverse conditions of  
10 confinement under the Eighth Amendment;
- 11 3. All remaining claims are DISMISSED from this action;
- 12 4. Plaintiff's state law claims for violation of health and sanitation standards and  
13 violation of the California Constitution are DISMISSED from this action based  
14 on Plaintiff's failure to state a claim upon which relief may be granted; and
- 15 5. This case is referred back to the Magistrate Judge for further proceedings,  
16 including initiation of service.

17 IT IS SO ORDERED.

18 Dated: June 11, 2018

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21 SENIOR DISTRICT JUDGE