

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
6

7 JONATHAN FUENTES,

8 Plaintiff,

9 v.

10 CALIFORNIA DEPARTMENT OF  
11 CORRECTIONS AND REHABILITATION  
12 HOLDING CORPORATION  
13 REPRESENTATIVES, et al.,

Defendants.

Case No. 1:17-cv-00745-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(ECF NOS. 9 & 12)

14 Jonathan Fuentes (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*  
15 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on  
16 Plaintiff’s First Amended Complaint. (ECF No. 9). The matter was referred to a United States  
17 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On March 28, 2018, Magistrate Judge Erica P. Grosjean entered findings and  
19 recommendations, recommending that “this case proceed against Defendant G. Rodriguez on  
20 Plaintiff’s claims for excessive force in violation of the Eighth Amendment, for an  
21 unreasonable search in violation of the Fourth Amendment, for retaliation in violation of the  
22 First Amendment, for assault, and for battery, and that all other claims and defendants be  
23 dismissed with prejudice.” (ECF No. 12, p. 15).

24 Plaintiff was provided an opportunity to file objections to the findings and  
25 recommendations. The deadline for filing objections has passed, and Plaintiff has not filed  
26 objections.

27 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this  
28 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,

1 the Court finds the findings and recommendations to be supported by the record and proper  
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The findings and recommendations issued by the magistrate judge on March 28,  
5 2018, are ADOPTED in full;
- 6 2. This case proceed against Defendant G. Rodriguez on Plaintiff's claims for  
7 excessive force in violation of the Eighth Amendment, for an unreasonable  
8 search in violation of the Fourth Amendment, for retaliation in violation of the  
9 First Amendment, for assault, and for battery;
- 10 3. All other claims and defendants are DISMISSED with prejudice;
- 11 4. The Clerk of Court is DIRECTED to reflect the dismissal of defendant  
12 California Department of Corrections and Rehabilitation Holding Corporation  
13 Representatives on the Court's docket, and to add Defendant G. Rodriguez; and
- 14 5. This case is referred back to the magistrate judge for further proceedings.

15  
16 IT IS SO ORDERED.

17 Dated: May 15, 2018

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