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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE D. HENDRIX, III,
Plaintiff,
v.
D. OROZCO-SORIA AND A. ASTORGA,
Defendants.

No. 1:17-cv-00750-DAD-MJS

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS FINDING
COGNIZABLE CLAIMS FOR EXCESSIVE
FORCE AND MEDICAL INDIFFERENCE
AND RECOMMENDING DISMISSAL OF
ALL OTHER CLAIMS AND DEFENDANTS

(Doc. No. 9.)

Plaintiff Lawrence D. Hendrix, III 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.

Plaintiff filed a prison civil rights complaint on May 30, 2017 against Valley State Prison (“VSP”) correctional officers D. Orozco-Soria and A. Astorga alleging violations of the Eighth and Fourteenth Amendments to the U.S. Constitution. (Doc. No. 1.) On June 26, 2017, the assigned magistrate judge issued a screening order requiring plaintiff to either file a first amended complaint addressing the deficiencies noted in that order or to notify the court that he was electing to proceed only on the Eighth Amendment excessive force and medical indifference claims alleged in the original complaint against defendant Astorga which had been found by the

1 court to be cognizable. (Doc. No. 6 at 10.) On July 25, 2016, plaintiff filed notice with the court
2 of “his willingness to proceed only with the excessive force and medical indifference claims
3 against defendant A. Astorga.” (Doc. No. 8.)

4 Accordingly, on July 27, 2017, the magistrate judge entered findings and
5 recommendations, recommending that: (1) this case proceed only on plaintiff’s Eighth
6 Amendment claims for excessive force and medical indifference brought against defendant A.
7 Astorga; and (2) all other claims and defendants be dismissed. (Doc. No. 9.) The findings and
8 recommendations were served on the parties and contained notice that objections thereto were to
9 be filed within fourteen days of service. (*Id.*) No objections were filed.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 de novo review of the matter. Having carefully reviewed the entire file, the court finds that the
12 findings and recommendations are supported by the record and proper analysis.

13 Accordingly,

- 14 1. The July 27, 2017 findings and recommendations (Doc. No. 9) are adopted in full;
- 15 2. This action shall proceed only on plaintiff’s excessive force and medical indifference
16 claims brought under the Eighth Amendment against defendant A. Astorga;
- 17 3. All other claims and defendants are dismissed; and
- 18 4. This matter is referred back to the assigned magistrate judge for further proceedings
19 consistent with this order.

20 IT IS SO ORDERED.

21 Dated: October 30, 2017

22 
UNITED STATES DISTRICT JUDGE