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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC STRATFORD,
Plaintiff,
v.
PAUL D. BRAZELTON, et al.,
Defendants.

No. 1:17-cv-00766-DAD-JDP (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS
(Doc. No. 24)

Plaintiff Eric Stratford is a former 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 April 14, 2020, the assigned magistrate judge issued findings and recommendations, finding that plaintiff had stated a cognizable claim against defendant Schwarzenegger for deliberate indifference in violation of plaintiff’s Eighth Amendment rights, but that he had failed to state any other cognizable claims against any other named defendants. (Doc. No. 24.) Accordingly, the magistrate judge recommended that this action proceed only on plaintiff’s Eighth Amendment claim against defendant former California Governor Arnold Schwarzenegger, and that the remainder of plaintiff’s claims in the First Amended Complaint be dismissed. (*Id.*) The pending findings and recommendations were served on plaintiff and contained notice that

1 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 5.) On May
2 1, 2020, plaintiff filed objections to the findings and recommendations. (Doc. No. 25.)

3 In his objections, plaintiff does not address or dispute any of the findings and
4 recommendations. Rather, plaintiff merely restates the basis for his claim—that he was
5 involuntarily sentenced to Pleasant Valley State Prison, when he was in perfect health, and he was
6 infected with Valley Fever at the prison and now requires medical treatment for the remainder of
7 his life. (*Id.*) Thus, plaintiff’s objections provide no basis upon which to reject the pending
8 findings and recommendations.

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

13 Accordingly,

- 14 1. The findings and recommendations issued on April 14, 2020 (Doc. No. 24) are
15 adopted in full;
- 16 2. This action shall proceed only on plaintiff’s Eighth Amendment claim against
17 defendant Schwarzenegger;
- 18 3. All other claims and defendants are dismissed; and
- 19 4. This action is referred back to the assigned magistrate judge for further
20 proceedings consistent with this order.

21 IT IS SO ORDERED.

22 Dated: May 19, 2020

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25 UNITED STATES DISTRICT JUDGE
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