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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON R. CALLINS,
Plaintiff,
v.
M. D. STAINER, et al.,
Defendants.

No. 1:17-cv-00840-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 21)

Plaintiff Carlton R. Callins 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 May 21, 2018, the assigned magistrate judge screened plaintiff’s complaint and found certain of plaintiff’s claims to be cognizable. (Doc. No. 18.) Plaintiff was then directed either to file a first amended complaint if he wished to attempt to cure the defects identified by the magistrate judge, or else to notify the court that he wished to proceed only on those claims found cognizable. (*Id.* at 12.) On June 18, 2018, plaintiff notified the court that he did not wish to file an amended complaint and would proceed only on the claims found cognizable in the magistrate judge’s screening order. (Doc. No. 19.) Accordingly, the assigned magistrate judge issued findings and recommendations, recommending “that all claims and defendants be dismissed, except for Plaintiff’s claims against Defendant C. Kyt for violation of the Eighth amendment for

1 sexual harassment and/or assault; against Defendants Garrison, Zamora, Manson, Pfeiffer, and
2 Duncan for failure to protect in violation of the Eighth Amendment; and against Defendants J.
3 Cervantes, J. Guzman, J. Pena, J. Lopez, I. Padilla, and J. Escutia for excessive force in violation
4 of the Eighth Amendment.” (Doc. No. 21 at 2.) The findings and recommendations were served
5 on plaintiff and contained notice that any objections thereto were to be filed within fourteen days
6 after service. (*Id.*) To date, no objections to the findings and recommendations have been filed,
7 and the time in which to do so has now passed.

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

11 Accordingly,

- 12 1. The findings and recommendations issued on June 21, 2018 (Doc. No. 21) are
13 adopted in full; and
- 14 2. All claims and defendants are dismissed, except for plaintiff’s claims against
15 defendant C. Kyt for violation of the Eighth Amendment for sexual harassment
16 and/or assault; against defendants Garrison, Zamora, Manson, Pfeiffer, and
17 Duncan for failure to protect in violation of the Eighth Amendment; and against
18 defendants J. Cervantes, J. Guzman, J. Pena, J. Lopez, I. Padilla, and J. Escutia for
19 excessive force in violation of the Eighth Amendment.

20 IT IS SO ORDERED.

21 Dated: October 3, 2018

22 
UNITED STATES DISTRICT JUDGE