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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

 Plaintiff,

 v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

 Defendants.

CASE No. 1: 17-cv-01013-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS FOR ACTION TO
PROCEED ON EIGHTH AMENDMENT
CLAIMS AGAINST DEFENDANTS
DURAN AND GREGORY AND TO
DISMISS ALL OTHER CLAIMS AND
DEFENDANTS**

(ECF NO. 9)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought 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 of the United States District Court for the Eastern District of California.

On October 31, 2017, the Magistrate Judge screened Plaintiff's complaint and found that it states the following cognizable Eighth Amendment claims against Defendants Gregory and Duran, but no other claims: a claim against Defendants Gregory and Duran for excessive force, a claim against Defendants Gregory and Duran for deliberate indifference to medical needs, and a claim against Defendant Duran for a failure to protect.. (ECF No. 7.) Plaintiff was ordered to file an amended complaint or notify the Court of his willingness to proceed only on the cognizable claims. (Id.) Plaintiff

1 chose to proceed. (ECF No. 8.) The Magistrate Judge then issued findings and
2 recommendations for Plaintiff to proceed on the cognizable claims identified in the
3 screening order, and for all other claims and Defendants to be dismissed. (ECF No. 9)
4 No objections were filed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has
6 conducted a de novo review of this case. Having carefully reviewed the entire file, the
7 Court finds the findings and recommendations to be supported by the record and by
8 proper analysis.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The Court adopts the December 4, 2017 findings and recommendations
11 (ECF No. 9) in full;
- 12 2. Plaintiff shall proceed on his cognizable Eighth Amendment claims for
13 money damages against Defendants Duran and Gregory in their individual
14 capacities; and
- 15 3. All other claims and Defendants asserted in the complaint are dismissed
16 with prejudice.

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18 IT IS SO ORDERED.

19 Dated: February 6, 2018



20 SENIOR DISTRICT JUDGE

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