I		
1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	PERRY C. BLAIR,	No. 1:17-cv-01015-DAD-SAB
12	Plaintiff,	ORDER ADOPTING FINDINGS AND
13	v.	RECOMMENDATIONS, ALLOWING ACTION TO PROCEED ON PLAINTIFF'S CLAIM OF DELIDER ATE INDIFFEDENCE
14	D. MENDIVIL, et al.,	AGAINST CERTAIN INDIVIDUALS AND
15	Defendants.	<u>DISMISSING ALL OTHER CLAIMS AND</u> <u>DEFENDANTS</u>
16		(Doc. No. 8)
17		
18	Plaintiff Perry C. Blair ("plaintiff") is appearing pro se and in forma pauperis in this civil	
19	rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate	
20	Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.	
21	On August 1, 2017, in Perry C. Blair v. CDCR, et.al, case number 1:14-cv-01156-LJO-	
22	SAB (PC), the court granted plaintiff's request to sever and file a new action regarding the new	
23	allegations set forth in his fourth amended complaint filed in that action. Accordingly, the Clerk	
24	of Court opened the instant prisoner civil rights action and filed plaintiff's fourth amended	
25	complaint as the operative complaint in this action. In the August 1, 2017 order, the court	
26	expressed no opinion as to the merits of the claims presented in plaintiff's complaint.	
27	On November 22, 2017, the magistrate judge assigned to this action issued findings and	
28	recommendations recommending that plaintiff be allowed to proceed in this action on his claim	
		1

1	for deliberate indifference to a serious medical need against defendants D. Mendivil and John	
2	Does 1, 2, and 3, and that all other claims and defendants be dismissed from this action. (Doc.	
3	No. 8.) The findings and recommendations were served on plaintiff and contained notice that	
4	objections thereto were to be filed within twenty-one days. (Id.) Plaintiff filed objections on	
5	December 13, 2017. However, plaintiff's objections do not provide a legal basis upon which to	
6	question the analysis set forth in the magistrate judge's findings and recommendations. (Doc. No.	
7	9.)	
8	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a	
9	de novo review of this case. Having carefully reviewed the entire file, the court finds the findings	
10	and recommendations to be supported by the record and by proper analysis.	
11	Accordingly,	
12	1. The findings and recommendations dated November 22, 2017 (Doc. No. 8) are	
13	adopted in full;	
14	2. This action shall proceed solely on plaintiff's claim of deliberate indifference to a	
15	serious medical need against defendants D. Mendivil and John Does 1, 2, and 3;	
16	3. All other claims and defendants are dismissed from this action due to plaintiff's	
17	failure to state a cognizable claim for relief; and	
18	4. This action is referred back to the assigned magistrate judge for initiation of	
19	service of process and further proceedings.	
20	IT IS SO ORDERED.	
21	Dated: February 20, 2018 Dale A. Dagd	
22	UNITED STATES DISTRICT JUDGE	
23		
24		
25		
26		
27		
28		
	2	