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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORRIS ROBERSON,

 Plaintiff,

 v.

A. MANASRAH, et al.,

 Defendants.

No. 1:17-cv-01062-DAD-SAB

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. No. 18)

Plaintiff Morris Roberson is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 31, 2017, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations recommending that this action proceed against defendant Pfeiffer for failing to take reasonable measures to protect plaintiff from contracting Valley Fever in violation of the Eighth Amendment; that plaintiff’s claim for deliberate indifference to a serious medical need be dismissed for failure to state a cognizable claim for relief; and that defendants Manasrah, Ogbuehi, and Relevante be dismissed for failure to state a cognizable claim for relief against them. (Doc. No. 18.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days of the date of service. (*Id.* at 9.) On November 20, 2017, plaintiff timely filed objections. (Doc. No. 19.)

1 Plaintiff objects to the magistrate judge’s recommendation to dismiss plaintiff’s claim
2 against defendants Manasrah and Ogbuehi for deliberate indifference to a serious medical need.
3 (Doc. No. 19 at 1.) Plaintiff alleges that on January 5, 2015, plaintiff told defendant Manasrah
4 that he had been experiencing “excruciatingly sharp pain in his head, throat, neck, and stomach
5 for several days.” (Doc. No. 14 at 8.) According to plaintiff, defendant Manasrah was dismissive
6 of plaintiff’s complaints and “purposely” denied treatment and issued false reports that plaintiff
7 was in no obvious distress and had a normal gait. (*Id.* at 42.) Plaintiff also alleges that on
8 multiple occasions in April, May, and June of 2016, he submitted forms complaining of shortness
9 of breath, muscle cramping, chest pain, joint pain, severe headaches, night sweats, and coughing.
10 (*Id.*) Plaintiff claims that each time, defendants Manasrah and Ogbuehi told plaintiff that he was
11 fine and refused to do anything to treat plaintiff’s symptoms. (*Id.*) As the magistrate judge
12 found, these conclusory allegations are insufficient to state a cognizable claim that defendants
13 were aware that plaintiff had a serious medical condition and failed to adequately respond.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
15 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s
16 objections, the court finds the findings and recommendations to be supported by the record and
17 by proper analysis.

18 Accordingly:

- 19 1. The findings and recommendations issued October 31, 2017 (Doc. No. 18) are
20 adopted;
- 21 2. This action now proceeds only on plaintiff’s claim brought against defendant
22 Pfeiffer for failing to take reasonable measures to protect plaintiff from contracting
23 Valley Fever, in violation of the Eighth Amendment;
- 24 3. All other claims and defendants are dismissed due to plaintiff’s failure to state a
25 cognizable claim upon which relief may be granted;
- 26 4. Plaintiff’s motions for a status report (Doc. Nos. 20, 21) are denied as moot; and

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5. This matter is referred back to the assigned magistrate judge for initiation of service of process.

IT IS SO ORDERED.

Dated: April 5, 2019


UNITED STATES DISTRICT JUDGE