

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PRECILIANO TOMAS CHAIDEZ,

No. 1:17-cv-01098-DAD-GSA

Plaintiff,

V.

CAMACHO, et al.,

Defendants.

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS**

(Doc. No. 14)

Plaintiff Preciliano Tomas Chaidez is a state prisoner proceeding *pro se* and *in forma pauperis* with 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.

On August 20, 2018, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed only against defendant correctional officer (C/O) Camacho for use of excessive force under the Eighth Amendment, and that all other claims be dismissed from this action based on plaintiff's failure to state a claim. (Doc. No. 14.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.*) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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

4 Accordingly,

5 1. The findings and recommendations issued on August 20, 2018 (Doc. No. 14) are
6 adopted in full;

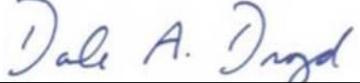
7 2. This action now proceeds only against defendant C/O Camacho for use of
8 excessive force under the Eighth Amendment;

9 3. All remaining claims and defendants are dismissed from this action; and

10 4. This case is referred back to the magistrate judge for further proceedings,
11 including initiation of service of process.

12 IT IS SO ORDERED.

13 Dated: November 15, 2018



UNITED STATES DISTRICT JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28