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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RYAN JAMES JOHNSON,
Plaintiff,
v.
K. GRAVES, et al.,
Defendants.

No. 1:17-cv-01159-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 11)

Plaintiff Ryan James Johnson is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 13, 2017, the assigned magistrate judge issued findings and recommendations recommending that this case proceed on plaintiff’s claim against defendant K. Graves for deliberate indifference to plaintiff’s conditions of confinement in violation of the Eighth Amendment. (Doc. No. 11.) The magistrate judge further recommended that all other claims against defendant Graves be dismissed for failure to state a claim, and that plaintiff’s claims against defendant Villanueva also be dismissed from this action, without leave to amend, for failure to state a claim. (*Id.*) Plaintiff was given thirty days to file objections to those findings and recommendations. Plaintiff did not file any objections, 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)(C) and Local Rule 304, the
2 undersigned has conducted a *de novo* review of plaintiff's case. The undersigned concludes the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on November 13, 2017 (Doc. No. 11) are
6 adopted in full;
- 7 2. This action proceeds solely on plaintiff's claim against defendant Graves for deliberate
8 indifference to plaintiff's conditions of confinement in violation of the Eighth
9 Amendment;
- 10 3. Plaintiff's remaining claims against defendant Graves are dismissed for failure to state a
11 claim upon which relief may be granted;
- 12 4. Defendant Villanueva is dismissed from this action due to plaintiff's failure to state a
13 cognizable claim against that defendant; and
- 14 5. This matter is referred back to the assigned magistrate judge for further proceedings
15 consistent with this order.

16 IT IS SO ORDERED.

17 Dated: January 31, 2018

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20 UNITED STATES DISTRICT JUDGE
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