UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DELBERT BARNETT,

Plaintiff,

v.

R. FISHER, JR., et al.,

Defendants.

No. 1:17-cv-01361-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. No. 15)

Plaintiff Delbert Barnett 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.

On November 26, 2018, the assigned magistrate judge screened the second amended complaint and issued findings and recommendations that this action should proceed on plaintiff's claims under the Eighth Amendment against defendants Fisher and Does 1–4, and that all other claims and defendants should be dismissed. (Doc. No. 15.) 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 service. (*Id.* at 8.) To date, plaintiff has not filed any objections, and the time period for doing so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings

and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued November 26, 2018 (Doc. No. 15) are adopted in full;
2. This action shall proceed solely on the claim in plaintiff's second amended complaint against Warden R. Fisher, Jr. and Does 1–4 for deliberate indifference of plaintiff's safety in violation of the Eighth Amendment;
3. All other claims and defendants are dismissed; and
4. This matter is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **March 15, 2019**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE