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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISRAEL HOWARD,
Plaintiff,
v.
M. HILDEBRAND, et al.,
Defendants.

No. 1:17-cv-01397-LJO-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 13)

Plaintiff Israel Howard is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action 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 April 4, 2018, the assigned Magistrate Judge issued findings and recommendations, recommending that this action proceed only on Plaintiff’s claim for (1) excessive force in violation of the Eighth Amendment against Sergeants Hildebrand and Garza; (2) deliberate indifference to a serious medical need in violation of the Eighth Amendment against Sergeants Hildebrand and Garza, and Officer Marquez; (3) Eighth Amendment unconstitutional conditions of confinement against Sergeant Hildebrand and Officer Marquez; and (4) retaliation in violation of the First Amendment against Sergeant Hildebrand. (Doc. No. 13.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within fourteen days. (*Id.*) That deadline has passed, and no objections were filed.

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, it is HEREBY ORDERED that:

5 1. The findings and recommendations issued on April 4, 2018 (Doc. No. 13) are
6 adopted in full;

7 2. This action now proceeds on Plaintiff's claim for (1) excessive force in violation
8 of the Eighth Amendment against Sergeants Hildebrand and Garza; (2) deliberate indifference to
9 a serious medical need in violation of the Eighth Amendment against Sergeants Hildebrand and
10 Garza, and Officer Marquez; (3) Eighth Amendment unconstitutional conditions of confinement
11 against Sergeant Hildebrand and Officer Marquez; and (4) retaliation in violation of the First
12 Amendment against Sergeant Hildebrand;

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

14 4. This case is referred back to the assigned Magistrate Judge for further proceedings,
15 including initiation of service of process.

16
17 IT IS SO ORDERED.

18 Dated: April 30, 2018

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE