UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGER TURNBOUGH, Plaintiff, v. Y. HERNANDEZ, et al., Defendants.	No. 1:17-cv-01465-DAD-BAM ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMS AND DEFENDANTS (Doc. No. 13)

Plaintiff Roger Turnbough is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff was incarcerated at the time of the alleged events at issue in this action.

On July 30, 2018 the assigned magistrate judge screened plaintiff's first amended complaint under 28 U.S.C. § 1915A and found that it stated a cognizable claim against defendant Hernandez for failure to protect in violation of the Eighth Amendment. (Doc. No. 13.) The magistrate judge recommended that all other claims and defendants be dismissed. The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 7.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this 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 on July 30, 2018 (Doc. No. 13) are adopted in full;
2. This action shall proceed on plaintiff's first amended complaint, filed June 11, 2018, against defendant Hernandez for failure to intervene in violation of the Eighth Amendment;
3. All other claims and defendants are dismissed, with prejudice, based on plaintiff's failure to state claims upon which relief may be granted; and
4. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **October 15, 2018**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE