1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ELVIS VENABLE., Case No. 1:17-cv-01519-AWI-BAM (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING 13 DEFENDANT'S MOTION FOR PARTIAL v. SUMMARY JUDGMENT 14 DR. PATEL, (Doc. Nos. 28, 33) 15 Defendant. 16 17 Plaintiff Elvis Venable is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States 18 19 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On November 22, 2019, the assigned Magistrate Judge issued findings and 21 recommendations recommending that Defendant Patel's motion for partial summary judgment of 22 Plaintiff's damages claim for mental and emotional injuries be granted in accordance with 42 U.S.C. § 1997e(e), and that Plaintiff's damages claim against Defendant Patel for mental and 23 24 emotional injuries be dismissed with prejudice. (ECF No. 33.) The findings and recommendations were served on the parties and contained notice that any objections thereto 25 26 were to be filed within fourteen (14) days after service. (Id. at 8.) Following an extension of time, Plaintiff filed written objections to the findings and recommendations on January 2, 2020. 27

(ECF No. 36.) No other objections have been filed, and the time in which to do so has passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a 2 de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's 3 objections, the Court finds that the findings and recommendations are supported by the record and 4 by proper analysis. 5 Accordingly, IT IS HEREBY ORDERED that: 6 1. The findings and recommendations issued on November 22, 2019, (ECF No. 33), 7 are adopted in full; 8 2. Defendant Patel's motion for partial summary judgment, (ECF No. 28), is 9 GRANTED; 10 3. Plaintiff's damages claim against Defendant Patel for mental and emotional 11 injuries is dismissed with prejudice pursuant to 42 U.S.C. § 1997e(e); 12 4. This action now proceeds only on Plaintiff's complaint against Defendant Patel for 13 nominal, compensatory, and punitive damages resulting from Defendant Patel's 14 alleged violation of Plaintiff's Eighth Amendment rights; and 15 5. This case is referred back to the assigned Magistrate Judge for further proceedings. 16 IT IS SO ORDERED. 17 Dated: October 16, 2020 18 SENIOR DISTRICT JUDGE 19 20 21 22 23 24 25 26 27 28