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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY L. ROBINSON,
Plaintiff,
v.
DAVE DAVEY, et al.,
Defendants.

No. 1: 17-cv-01524-DAD-GSA
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND FOR THIS CASE TO PROCEED ONLY AGAINST DEFENDANT GERMAN FOR USE OF EXCESSIVE FORCE, AND AGAINST DEFENDANTS PETERSON AND GONZALES-THOMPSON FOR INADEQUATE MEDICAL CARE UNDER THE EIGHTH AMENDMENT, AND DISMISSING ALL OTHER CLAIMS AND DEFENDANTS
(Doc. No. 46)

Plaintiff Anthony L. Robinson is a state prisoner proceeding *pro se* and *in forma pauperis* with 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.

The assigned magistrate judge screened the First Amended Complaint (“FAC”) and found that it stated cognizable claims under the Eighth Amendment against defendant German for use of excessive force, and against defendants Peterson and Gonzales-Thompson for failing to provide adequate medical care to plaintiff. (Doc. No. 29.) On October 29, 2018, the court issued a screening order, requiring plaintiff to either (1) file a Second Amended Complaint (“SAC”), or (2) notify the court that he is willing to proceed only with the claims found cognizable by the court. (*Id.*) On January 30, 2019, plaintiff notified the court that he is willing to proceed only

1 with the claims found cognizable by the court in the screening order. (Doc. No. 45.)

2 On January 31, 2019, the court entered findings and recommendations, recommending
3 that this action proceed only against defendant German for use of excessive force, and against
4 defendants Peterson and Gonzales-Thompson for failing to provide adequate medical care under
5 the Eighth Amendment, and that all other claims and defendants be dismissed from this action
6 based on plaintiff's failure to state a claim. (Doc. No. 46.) However, despite the indication
7 included in his filing of January 30, 2019, on March 25, 2019, plaintiff filed objections to the
8 findings and recommendations. (Doc. No. 50.) In his objections, plaintiff does not raise any new
9 arguments but instead, reiterates arguments related to his request for a preliminary injunction that
10 have already been addressed by the magistrate judge and adopted by this court. (*See* Doc. Nos.
11 37, 51.)

12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
13 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
14 including plaintiff's objections, the court finds the findings and recommendations to be supported
15 by the record and proper analysis.

16 Accordingly,

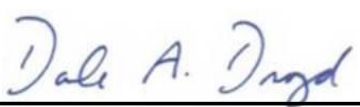
- 17 1. This action now proceeds only on plaintiff's claims against defendant German for
18 use of excessive force, and against defendants Peterson and Gonzales-Thompson
19 for failing to provide adequate medical care in violation of the Eighth Amendment;
- 20 2. All remaining claims and defendants are dismissed from this action due to
21 plaintiff's failure to state a cognizable claim;
- 22 3. Plaintiff's claims for violation of due process and equal protection, negligence,
23 false reports, conspiracy, and cover-up of wrongdoing are dismissed from this
24 action due to plaintiff's failure to state any claims upon which relief may be
25 granted;
- 26 4. Defendants Davey, Munoz, Welch, Blevins, Wilson, Johnson, and the Doe
27 Defendants are dismissed from this action due to plaintiff's failure to state any
28 claims against these defendants upon which relief may be granted; and

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5. This case is referred back to the magistrate judge for further proceedings,
including initiation of service of process.

IT IS SO ORDERED.

Dated: May 21, 2019


UNITED STATES DISTRICT JUDGE