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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MALCOLM TANDY LAMON STROUD,
Plaintiff,
v.
TED PRUITT, *et al.*,
Defendants.

Case No. 1:17-cv-01659-LJO-BAM (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS**
(ECF No. 18)

Plaintiff Malcolm Tandy Lamon Stroud (“Plaintiff”) 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 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 10, 2019, the assigned Magistrate Judge screened Plaintiff’s first amended complaint under 28 U.S.C. § 1915A, and found that it stated a cognizable claim for sexual abuse in violation of the Eighth Amendment against Defendant Pruitt and a cognizable claim for discrimination against Defendants Pruitt and Smith in violation of the Equal Protection Clause of the Fourteenth Amendment, but failed to state any other cognizable claims against any other defendants. Accordingly, the Magistrate Judge issued findings and recommendations that this action proceed on Plaintiff’s first amended complaint against Defendant Pruitt for sexual abuse in violation of the Eighth Amendment and against Defendants Pruitt and Smith for discrimination in

1 violation of the Equal Protection Clause of the Fourteenth Amendment, and all other claims and
2 defendants be dismissed from this action for failure to state a claim. (ECF No. 18.) The findings
3 and recommendations were served on Plaintiff and contained notice that any objections were to
4 be filed within fourteen (14) days after service. (Id. at 12.) No objections have been filed, and
5 the deadline in which to do so has expired.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
7 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
8 findings and recommendations to be supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on May 10, 2019, (ECF No. 18), are
11 adopted in full;
- 12 2. This action shall proceed on Plaintiff's first amended complaint, filed July 27, 2018,
13 (ECF No. 17), against Defendant Pruitt for sexual abuse in violation of the Eighth
14 Amendment and against Defendants Pruitt and Smith for discrimination in violation of
15 the Equal Protection Clause of the Fourteenth Amendment;
- 16 3. All other claims and defendants are dismissed based on Plaintiff's failure to state
17 claims upon which relief may be granted; and
- 18 4. This action is referred back to the assigned Magistrate Judge for further proceedings
19 consistent with this order.

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21 IT IS SO ORDERED.

22 Dated: June 3, 2019

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