

1 service. (*Id.* at 10.) On July 27, 2018, plaintiff filed objections to the findings and
2 recommendations. (Doc. No. 16.)

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

6 In his objections, plaintiff argues that the findings and recommendations fail to recognize
7 his claims against defendants Scalia, Fritz, Hackworth, and two Doe defendants for denial of
8 medical treatment. (Doc. No. 16 at 2.) Plaintiff relies on his allegations in paragraphs 1-39 of the
9 complaint and argues that defendants knew that they were exposing him to a substantial risk of
10 serious harm when they served his meals in unsanitary conditions. (*Id.*) As discussed in the
11 findings and recommendations, plaintiff has sufficiently pled Eighth Amendment conditions of
12 confinement claims against defendants Scalia, Fritz, Hackworth, and two Doe defendants for
13 subjecting him to unsanitary conditions that allegedly resulted in plaintiff's severe abdominal
14 pain. (*See* Doc. No. 15 at 7.) To the extent that plaintiff intends to state a deliberate indifference
15 claim for denial of medical treatment against the prison staff members who distributed his meals,
16 he may only do so if he is able to allege facts in an amended complaint supporting a claim that
17 those defendants knew of his severe abdominal pain but did nothing to assist him in obtaining
18 medical treatment for that condition. (*See id.* at 8.)

19 Accordingly,

- 20 1. The findings and recommendations issued on July 11, 2018 (Doc. No. 15) are
21 adopted in full;
- 22 2. This action shall proceed on two sets of plaintiff's claims:
 - 23 a. Plaintiff's conditions of confinement in violation of the Eighth
24 Amendment claim against defendants J. Scalia, A. Fritz, B. Hackworth, A.
25 Aranda, J. Campos, and two Doe defendants;
 - 26 b. Plaintiff's claim of deliberate indifference to his serious medical needs in
27 violation of the Eighth Amendment against the two Doe defendants;
- 28 3. All other claims are dismissed with leave to amend; and

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4. This matter is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: October 5, 2018

Dale A. Floyd
UNITED STATES DISTRICT JUDGE