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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	CARL JOHNSON,	No. 1: 18-cv-00061-DAD-JDP	
12	Plaintiff,		
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING CERTAIN CLAIMS WITH LEAVE TO AMEND	
14	J. SCALIA, et al.,		
15	Defendants.	MALLAD	
16		(Doc. No. 15)	
17			
18	Plaintiff Carl Johnson ("plaintiff") is a state prisoner proceeding pro se and in forma		
19	pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred		
20	to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
21	On July 11, 2018, the assigned magistrate judge issued findings and recommendations,		
22	recommending that plaintiff be allowed to proceed on claims under the Eighth Amendment		
23	against defendants J. Scalia, A. Fritz, B. Hackworth, A. Aranda, J. Campos, and two Doe		
24	defendants for providing him unsanitary conditions of confinement, and against two Doe		
25	defendants for delaying medical treatment for plaintiff's serious medical needs. (Doc. No. 15.)		
26	The magistrate judge recommended that the remainder of plaintiff's claims be dismissed with		
27	leave to amend. (Id. at 1, 8-9, 10.) The findings and recommendations were served on plaintiff		
28	and contained notice that any objections thereto were to be filed within twenty-one (21) days after		

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

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.

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

Accordingly,

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

1	4. This matter is referred back to the assigned magistrate judge for further	
2	proceedings consistent with this	order.
3	IT IS SO ORDERED.	
4	Dated: October 5, 2018	Dale A. Dryd
5	Dated. October 5, 2015	UNITED STATES DISTRICT JUDGE
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