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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHESTER RAY WISEMAN,)	Case No.: 1:18-cv-00126-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATIONS, DISMISSING WARDEN
)	BITER, AND REFERRING MATTER BACK TO
MARTIN D. BITER, et al.,)	MAGISTRATE JUDGE FOR INITIATION OF
)	SERVICE OF PROCESS
Defendants.)	
)	[ECF Nos. 1, 7, 8, 9]
)	

Plaintiff Chester Ray Wiseman is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 2, 2018, the Court screened Plaintiff’s complaint and found that it stated a cognizable claim for deliberate indifference to a serious medical need against Defendants Romero, Swanson, R. Rivera. M. Pomoa and R. Perez. (ECF No. 7.) Plaintiff did not state a cognizable claim against Defendant Warden Biter. (Id.) Plaintiff was granted an opportunity to amend his complaint, or notify the Court that he is agreeable to proceeding only on the deliberate indifference claim against the above-named Defendants. (Id.)

On March 14, 2018, Plaintiff notified the Court that he wished to proceed only on the deliberate indifference claim against Defendants Romero, Swanson, R. Rivera. M. Pomoa and R. Perez. (ECF No. 8.)

1 On March 22, 2018, the Magistrate Judge filed Findings and Recommendations,
2 recommending that this action proceed only on the deliberate indifference claim against Defendants
3 Romero, Swanson, R. Rivera. M. Pomoa and R. Perez, and Defendant Warden Biter be dismissed
4 from the action. (ECF No. 9.) The Findings and Recommendations were served on Plaintiff and
5 contained notice that objections were to be filed within fourteen days. (Id.) To date, no objections
6 have been filed, and the time for doing so has passed.

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

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. The March 22, 2018 findings and recommendations (ECF No. 9) are adopted in full;
- 12 2. This action shall proceed on against Defendant Defendants Romero, Swanson, R.
13 Rivera. M. Pomoa and R. Perez for deliberate indifference;
- 14 3. Defendant Warden Biter is dismissed from the action; and
- 15 4. The matter is referred back to the assigned Magistrate Judge for initiation of service of
16 process.

17
18 IT IS SO ORDERED.

19 Dated: April 16, 2018

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