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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 JESUS A. NUNEZ,

12 Plaintiff,

13 vs.

14 KAYLEEN POWELL, et al.,

15 Defendants.  
16  
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1:18-cv-00213-LJO-GSA-PC

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 22.)**

**ORDER FOR THIS CASE TO PROCEED  
ONLY WITH PLAINTIFF'S MEDICAL  
CLAIM AGAINST DEFENDANT KOKOR,  
AND DISMISSING ALL OTHER CLAIMS  
AND DEFENDANTS FOR PLAINTIFF'S  
FAILURE TO STATE A CLAIM**

18 Jesus A. Nunez ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
19 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United  
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On November 29, 2018, the court entered [findings and recommendations](#),  
22 recommending that this action proceed only with Plaintiff's medical claim against defendant  
23 Dr. Winfred Kokor, and that all other claims and defendants be dismissed from this action  
24 based on Plaintiff's failure to state a claim. (ECF No. 22.) The court granted Plaintiff fourteen  
25 days in which to file objections to the findings and recommendations. (*Id.*) To date, Plaintiff  
26 has not filed objections, and the time for filing objections has expired.

27 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
28 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,

1 the court finds the findings and recommendations to be supported by the record and proper  
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The findings and recommendations entered by the Magistrate Judge on  
5 November 29, 2018, are ADOPTED in full;
- 6 2. This action now proceeds only against defendant Dr. Winfred Kokor on  
7 Plaintiff's medical claim under the Eighth Amendment;
- 8 3. All remaining claims and defendants are DISMISSED from this action, based on  
9 Plaintiff's failure to state a claim;
- 10 4. Plaintiff's excessive force claim and claims for declaratory relief and attorney's  
11 fees are DISMISSED from this action based on Plaintiff's failure to state any  
12 claims upon which relief may be granted;
- 13 5. Defendant Kayleen Powell is DISMISSED from this action based on Plaintiff's  
14 failure to state any claims against her; and
- 15 6. This case is referred back to the Magistrate Judge for further proceedings,  
16 including initiation of service of process.

17  
18 IT IS SO ORDERED.

19 Dated: January 11, 2019

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