

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JACK JOHNSON III,  
Plaintiff,  
v.  
PTS OF AMERICA, et al.,  
Defendants.

Case No. 1:18-cv-0434-JLT (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO PROCEED ON  
COGNIZABLE CLAIMS ONLY AND TO  
DISMISS ALL REMAINING CLAIMS**

(Doc. 17)

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 1, 2019, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 1, 2019 (Doc. 17), are adopted in full;

1           2. This action shall proceed on the following claims: (1) a Fourteenth Amendment  
2 conditions of confinement claim against PTS of America and Melvin Moore; (2) a Fourteenth  
3 Amendment medical indifference claim against Moore, Elinore Sawyer, and John Doe 1; and (3)  
4 state law negligence and intentional infliction of emotional distress claims against PTS of  
5 America and Moore. All other claims and defendants are hereby dismissed for failure to state a  
6 claim; and

7           3. This matter is referred back to the magistrate judge for further proceedings consistent  
8 with this Order.

9  
10 IT IS SO ORDERED.

11 Dated: July 30, 2019

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

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28