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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL PICKARD,

 Plaintiff,

 v.

M. SPEARMAN, Jr., et al.,

 Defendants.

Case No. 1:18-cv-00450-AWI-JLT (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS FOR ACTION TO
PROCEED ON EIGHTH AMENDMENT CLAIM
AGAINST DR. HTAY AND C/Os DOE #1, #2, AND
#3, DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS**

(Docs. 11, 12)

Plaintiff, Michael Pickard, is a state prisoner proceeding *pro se* and *in forma pauperis* in this in this civil rights action pursuant to 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.

The Magistrate Judge issued the First Screening Order (Doc. 11) finding that Plaintiff stated a cognizable claim for deliberate indifference to his serious medical need in violation of the Eighth Amendment against Dr. Htay and C/Os Doe #1, #2, and #3 upon which he should be allowed to proceed. That order granted Plaintiff leave to file an amended complaint to potentially make more of his claims cognizable, or to file a notice that he did not desire to do so. (*Id.*) The order further indicated that if Plaintiff did not respond, the Court would recommend that the action only proceed on the claims found cognizable. (*Id.*) Plaintiff did not respond.¹

¹ The First Screening Order was returned as undeliverable on November 27, 2018, with a notation that Plaintiff was

1 On December 19, 2018, the Magistrate Judge issued Findings and Recommendations that
2 Plaintiff proceed in this action on his Eighth Amendment Claims found cognizable in the First
3 Screening Order (Doc. 11) against Dr. Dr. Htay and C/Os Doe #1, #2, and #3 and that all other
4 claims and defendants be dismissed. The Findings and Recommendation was served that same
5 date and allowed for filing of objections within twenty-one days. (*Id.*) Plaintiff has not filed any
6 objections.²

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

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendations, issued on December 19, 2018, (Doc. 12), is
12 adopted in full;
- 13 2. This action shall proceed on Plaintiff's claim for deliberate indifference to his serious
14 medical need in violation of the Eighth Amendment against Dr. Htay and C/Os Doe
15 #1, #2, and #3;
- 16 3. All other claims and Defendants are dismissed with prejudice from this action; and
- 17 4. The action is referred to the Magistrate Judge for further proceedings consistent with
18 this order.

19 IT IS SO ORDERED.

20 Dated: March 11, 2019

21 
22 SENIOR DISTRICT JUDGE

23
24
25
26 _____
27 no longer in custody.

28 ² Though Plaintiff has not updated his address, the Findings and Recommendations were not returned as undeliverable.