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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

COLLIN WILLIAMS,
Plaintiff,
v.
NAVARRO, et al.,
Defendants.

Case No. 1:18-cv-00611-LJO-BAM (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF DAMAGES CLAIMS
AGAINST DEFENDANTS IN THEIR
OFFICIAL CAPACITIES**
(ECF No. 10)

Plaintiff Collin Williams (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 28, 2018, the Magistrate Judge screened Plaintiff’s complaint under 28 U.S.C. § 1915A, and found that Plaintiff stated the following cognizable claims against defendants in their individual capacities: (1) excessive force in violation of the Eighth Amendment against Defendants Santiestban and Cortez; (2) failure to intervene in the use of excessive force in violation of the Eighth Amendment against Defendants Navarro and Sanchez; (3) deliberate indifference to serious medical needs against Defendants Navarro Andrezejewski, and Brown; (4) assault and battery against Defendants Santiestban and Cortez; and (5) medical negligence against Defendants Andrezejewski and Brown. The Magistrate Judge found that Plaintiff failed to state cognizable damages claims against defendants in their official capacities, and that further leave to amend would be unable to cure this deficiency. The Magistrate Judge

1 issued findings and recommendations that the action proceed on the cognizable claims found, and
2 that the damages claims against defendants in their official capacities be dismissed from this
3 action. (ECF No. 10.)

4 The findings and recommendations were served on Plaintiff and contained notice that any
5 objections thereto were to be filed within fourteen (14) days after service. (Id.) On January 16,
6 2019, Plaintiff filed non-objections to the findings and recommendations and a request for
7 summons, stating that he agreed with the Magistrate Judge's findings and recommendations.¹
8 (ECF No. 11.)

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
10 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's non-
11 objections, the Court finds the findings and recommendations to be supported by the record and
12 by proper analysis.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The findings and recommendations issued on December 28, 2018, (ECF No. 10), are
15 adopted in full;
- 16 2. This action shall proceed on Plaintiff's complaint, filed May 3, 2018, (ECF No. 1),
17 for:
 - 18 a. Excessive force in violation of the Eighth Amendment against Defendants
19 Santiestban and Cortez;
 - 20 b. Failure to intervene in the use of excessive force in violation of the Eighth
21 Amendment against Defendants Navarro and Sanchez;
 - 22 c. Deliberate indifference to serious medical needs against Defendants Navarro
23 Andrezejewski, and Brown;
 - 24 d. Assault and battery against Defendants Santiestban and Cortez; and
 - 25 e. Medical negligence against Defendants Andrezejewski and Brown;
- 26 3. Plaintiff's damages claims against Defendants in their official capacities are dismissed
27 from this action; and

28 ¹ Plaintiff's request for summons will be addressed by separate order from the Magistrate Judge.

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4. This action is referred back to the assigned Magistrate Judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: January 18, 2019

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