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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN SORIA,

Plaintiff,

v.

RAFEL ZUNGIA, et al.,

Defendants.

No. 1:18-cv-0635-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
DEFENDANTS' MOTION FOR JUDGMENT
ON THE PLEADINGS

(Doc. Nos. 22, 26)

Plaintiff, a federal 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.

Before the court is a motion for judgment on the pleadings filed by defendants Allison, Gonzalez, and Herron on the ground that plaintiff is attempting to extend *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), to a new context. (Doc. No. 22.) On December 2, 2020, the assigned magistrate judge filed findings and recommendations recommending that defendants' motion be denied, reasoning that the claim does not present a new context relative to the type of claim allowed under the decision in *Carlson v. Green*, 446 U.S. 14 (1980) (recognizing a damages remedy against federal prison officials for failure to provide adequate

1 medical treatment under the Eighth Amendment’s Cruel and Unusual Punishment Clause). (Doc.
2 No. 26.) The findings and recommendations were served on the parties and which contained
3 notice that any objections to the findings and recommendations were to be filed within fourteen
4 days. Neither party has filed objections to the findings and recommendations.

5 The court has reviewed the file and finds the findings and recommendations to be
6 supported by the record and by the magistrate judge’s analysis. Accordingly:

- 7 1. The findings and recommendations filed December 2, 2020 (Doc. No. 26), are adopted
8 in full;
- 9 2. Defendants’ May 28, 2020, motion for judgment on the pleadings (Doc. No. 22) is
10 denied; and
- 11 3. This matter is referred back to the magistrate judge for further proceedings consistent
12 with this order.

13 IT IS SO ORDERED.

14 Dated: February 9, 2021

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17 UNITED STATES DISTRICT JUDGE
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