UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY MICHAEL GARDNER,

Plaintiff,

v.

HOLLY, *et al.*,

Defendants.

Case No. 1:18-cv-00800-LJO-JDP

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS THAT PLAINTIFF BE PERMITTED TO PROCEED ON COGNIZABLE CLAIMS AND THAT NON-COGNIZABLE CLAIM BE DISMISSED WITH LEAVE TO AMEND

ECF No. 12

Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought 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 April 15, 2019, the magistrate judge screened plaintiff's complaint. ECF No. 12. The magistrate judge issued findings and recommendations that (1) plaintiff has stated deliberate indifference claims against defendants Chua and Holly; (2) plaintiff's remaining claim against California Forensics Medical Group should be dismissed without prejudice; and (3) plaintiff should be granted leave to amend the complaint. *Id.* Plaintiff did not file objections to the findings and recommendations, and the time to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this

court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, IT IS ORDERED that:

1. The findings and recommendations issued by the magistrate judge on April 15, 2019, ECF No. 12, are ADOPTED IN FULL.
2. Plaintiff states deliberate indifference claims against defendants Chua and Holly.
3. Plaintiff's remaining claim against California Forensics Medical Group is dismissed without prejudice, and plaintiff is granted leave to amend the complaint.
4. If plaintiff files an amended complaint, defendants Chua and Holly are not required to respond until the court screens the amended complaint.

IT IS SO ORDERED.

Dated: **May 14, 2019**

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