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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JEROME MARKIEL DAVIS,	No. 1:18-cv-00832-DAD-BAM
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND
14	STATE OF CALIFORNIA, et al.,	RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMS AND DEFENDANTS
15	Defendants.	(Doc. No. 17)
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18	Plaintiff Jerome Markiel Davis is a state prisoner proceeding pro se and in forma pauperis	
19	in this civil rights action pursuant to 42 U.S.C. § 1983.	
20	On January 9, 2019, the assigned magistrate judge screened plaintiff's complaint under 28	
21	U.S.C. § 1915A and found that it stated a cognizable claim for deliberate indifference in violation	
22	of the Eighth Amendment against defendant Roberts in her individual capacity, but failed to state	
23	any other cognizable claims against any other defendants. The magistrate judge provided	
24	plaintiff with an opportunity to file a first amended complaint or notify the court of his	
25	willingness to proceed only on his claim found to be cognizable in the screening order. (Doc. No.	
26	15.) On January 17, 2019, plaintiff notified the court of his willingness to proceed only on the	
27	cognizable claim identified by the court. (Doc. No. 16.)	
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1 Accordingly, on January 23, 2019, the assigned magistrate judge issued findings and 2 recommendations, recommending that all other claims and defendants be dismissed. (Doc. No. 3 17.) The findings and recommendations were served on plaintiff and contained notice that any 4 objections thereto were to be filed within fourteen days after service. (Id. at 11.) To date, no 5 objections to the findings and recommendations have been filed, and the time in which to do so 6 has now passed. 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 findings 9 and recommendations to be supported by the record and by proper analysis. 10 Accordingly, 11 1. The findings and recommendations issued on January 23, 2019 (Doc. No. 17) are 12 adopted in full; 2. 13 This action shall proceed on plaintiff's first amended complaint, filed June 20, 14 2018 (Doc. No. 1) against defendant Roberts in her individual capacity for 15 deliberate indifference in violation of the Eighth Amendment, arising from the 16 alleged incident of food tampering; 17 3. All other claims and defendants are dismissed, with prejudice, due to plaintiff's 18 failure to state claims upon which relief may be granted; and 19 4. This action is referred back to the assigned magistrate judge for further 20 proceedings consistent with this order. 21 IT IS SO ORDERED. 22 Dated: **April 23, 2019** 23 24 25 26

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