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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 GILBERTO CHAVEZ,

12 Plaintiff,

13 v.

14 J. DOE #1, et al.,

15 Defendants.
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1:18-cv-01534-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 39.)**

**ORDER FOR THIS CASE TO PROCEED ONLY
AGAINST DEFENDANT CELINA SALINAS
FOR DELIBERATE INDIFFERENCE IN
VIOLATION OF THE EIGHTH AMENDMENT,
AND DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS**

19 Gilberto Chavez (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*
20 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United
21 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On October 22, 2020, the court entered [findings and recommendations](#), recommending
23 that this action proceed only against defendant Celina Salinas for deliberate indifference in
24 violation of the Eighth Amendment, and that all other claims and defendants be dismissed from
25 this action based on Plaintiff’s failure to state a claim. (ECF No. 39.) Plaintiff was granted
26 fourteen days in which to file objections to the findings and recommendations. (*Id.*) The
27 fourteen-day time period has expired and Plaintiff has not filed objections or any other response
28 to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on October
6 22, 2020, are ADOPTED in full;
- 7 2. This action now proceeds with Plaintiff's Second Amended Complaint, filed on
8 February 20, 2020, against defendant Celina Salinas for deliberate indifference in
9 violation of the Eighth Amendment;
- 10 3. All other claims and defendants are dismissed from this action for failure to state
11 a claim upon which relief may be granted under § 1983;
- 12 4. Plaintiff's claims for violation of due process, denial of medical care, and
13 negligence are dismissed from this action based on Plaintiff's failure to state any
14 claims upon which relief may be granted;
- 15 5. Defendants Rosemary Ndoh (Warden) and CDCR's Medical Staff are dismissed
16 from this action based on Plaintiff's failure to state any claims against them upon
17 which relief may be granted; and
- 18 6. This case is referred back to the Magistrate Judge for further proceedings,
19 including initiation of service of process.

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21 IT IS SO ORDERED.

22 Dated: December 2, 2020


23 SENIOR DISTRICT JUDGE
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