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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHELLE (a/k/a MYCHAL)  
CONCEPCION,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION,

Defendants.

Case No. 1:18-cv-01743-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 19)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 29, 2020, the assigned magistrate judge screened plaintiff’s first amended complaint (Doc. No. 15) pursuant to 28 U.S.C. § 1915A and found that it states cognizable claims under the Eighth and Fourteenth Amendments and the Affordable Care Act, but it improperly names J.C. Kelso and J. Carrick as defendants. (Doc. No. 16.) Pursuant to the screening order, plaintiff filed a notice that he “wishes to proceed only on his claims against CDCR, CCHCS, Diaz in his official capacity, and the Doe defendants and to dismiss Kelso and Carrick as defendants.” (Doc. No. 18.) Accordingly, on February 13, 2020, the magistrate judge issued findings and recommendations, recommending that Kelso and Carrick be dismissed. (Doc. No. 19.) The

1 findings and recommendations were served on plaintiff and provided 14 days to file objections  
2 thereto. (*Id.* at 2.) Plaintiff has not filed objections and the time do so has passed.

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

6 Accordingly,


- 7 1. The findings and recommendations issued on February 13, 2020 (Doc. No. 19) are  
8 adopted in full;
- 9 2. Defendants J.C. Kelso and J. Carrick are dismissed; and,
- 10 3. This case is referred back to the assigned magistrate judge for further proceedings.

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12 IT IS SO ORDERED.

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Dated: March 31, 2020



UNITED STATES DISTRICT JUDGE

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