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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PAUL JONES MURPHY,

 Plaintiff,

 v.

K. CLARK, et al.,

 Defendants.

No. 1:19-cv-00206-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 19)

Plaintiff John Paul Jones Murphy is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 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 21, 200, the assigned magistrate judge screened plaintiff’s first amended complaint (“FAC) and found that he had stated cognizable claims against defendant Amobi for deliberate indifference to plaintiff’s serious medical needs in violation of his Eighth Amendment rights and against defendants Sanchez, Rodriguez, Vang, and Aguirre for negligence and for failure to protect in violation of plaintiff’s Eighth Amendment rights. (Doc. No. 17.) In that screening order, the magistrate judge directed plaintiff to either file a second amended complaint or notify the court in writing of his willingness to proceed only on the claims found in that screening to be cognizable order. (*Id.* at 18.) On February 2, 2020, plaintiff notified the court of

1 his willingness to proceed only on the claims found by the screening order to be cognizable.
2 (Doc. No. 18.)

3 Accordingly, on February 11, 2020, the magistrate judge issued findings and
4 recommendations recommending that this action proceed only on plaintiff's claims against
5 defendant Amobi for deliberate indifference to plaintiff's serious medical needs in violation of his
6 Eighth Amendment rights and against defendants Sanchez, Rodriguez, Vang, and Aguirre for
7 negligence and for failure to protect in violation of plaintiff's Eighth Amendment rights. (Doc.
8 No. 19.) The findings and recommendations were served on plaintiff and contained notice that
9 objections were due within fourteen days. (*Id.* at 2.) No objections were filed and the time to do
10 so has now expired.

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

14 Accordingly,

- 15 1. The February 11, 2020 findings and recommendations (Doc. No. 19) are adopted
16 in full;
- 17 2. This action now proceeds only on plaintiff's claims against defendant Amobi for
18 deliberate indifference to his serious medical needs in violation of plaintiff's
19 Eighth Amendment rights and against defendants Sanchez, Rodriguez, Vang, and
20 Aguirre for negligence and for failure to protect in violation of plaintiff's Eighth
21 Amendment rights;
- 22 3. All other claims and defendants are dismissed from this action for failure to state a
23 cognizable claim for relief; and
- 24 4. This matter is referred back to the assigned magistrate judge for further
25 proceedings consistent with this order.

26 IT IS SO ORDERED.

27 Dated: April 14, 2020

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UNITED STATES DISTRICT JUDGE

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