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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BROOKE SHAEFRON AUGUSTE,

Plaintiff,

v.

V. BENTANCOURT, et al.,

Defendants.

No. 1:19-cv-00336-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 17)

Plaintiff Brooke Shaefron Auguste 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 February 10, 2020, the assigned magistrate judge filed a screening order, finding that plaintiff's first amended complaint (Doc. No. 14) states cognizable claims against Defendants Betancourt¹, Maldonado, Parker, and Stewart, but not against Defendant Martinez. (Doc. No. 15.) Pursuant to the screening order, plaintiff filed a notice that he "wish[es] to proceed only on [his] claims against defendants V. Betancourt, L. Maldonado, E. Parker, and M. Stewart and to dismiss J. Martinez as a defendant." (Doc. No. 16.)

¹ In his original complaint, plaintiff spells this defendant's surname as "Bentancourt." (Doc. No. 1 at 1, 2.) In his first amended complaint, plaintiff spells this defendant's surname as "Betancourt." (Doc. No. 14 at 1, 2.) Given that the defendants have not yet appeared in this case, the court is unsure of the correct spelling, but uses the spelling in plaintiff's operative complaint (Doc. No. 14).

1 Accordingly, on March 3, 2020, the magistrate judge filed findings and recommendations,
2 recommending that Defendant Martinez be dismissed. (Doc. No. 17.) The findings and
3 recommendations were served on plaintiff and provided him fourteen (14) days to file objections
4 thereto. (*Id.* at 2.) Plaintiff has not filed objections and the time do so has passed.

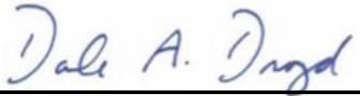
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
6 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and
7 recommendations to be supported by the record and proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations filed on March 3, 2020 (Doc. No. 17) are
10 adopted in full;
- 11 2. Defendant Martinez is dismissed; and,
- 12 3. This case is referred back to the assigned magistrate judge for further proceedings.

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14 IT IS SO ORDERED.

15 Dated: April 14, 2020



UNITED STATES DISTRICT JUDGE

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