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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES BROWN,  
Plaintiff,  
v.  
D. WOODWARD, et al.,  
Defendants.

No. 1:19-cv-00626-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 22)

Plaintiff James Brown is a state prisoner proceeding *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 February 23, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed only against defendants Woodward and Lopez for alleged deliberate indifference to plaintiff’s serious medical needs and against defendant Woodward for alleged excessive use of force and retaliation. (Doc. No. 22.) Therein, it was also recommended that the non-cognizable claims and remaining defendants be dismissed from this action because further amendment would be futile. (*Id.* at 1, 10-11.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within twenty-one (21) days. (*Id.* at 11.) To date, plaintiff has not filed any objections and the time to do so has long since passed.

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

4 Accordingly,

- 5 1. The findings and recommendations issued on February 23, 2021, (Doc. No. 22),  
6 are adopted in full;
- 7 2. This action shall proceed only on plaintiff's second amended complaint, filed July  
8 21, 2020 (Doc. No. 21), against defendants Woodward and Lopez on plaintiff's  
9 claims of deliberate indifference to serious medical needs and against defendant  
10 Woodward on plaintiff's claims of excessive use of force and retaliation;
- 11 3. All other claims and defendants are dismissed from this action for failure to state a  
12 claim with prejudice because the granting of further leave to amend would be  
13 futile; and
- 14 4. This case is referred back to the assigned magistrate judge for further proceedings.

15 IT IS SO ORDERED.

16 Dated: April 21, 2021

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19 UNITED STATES DISTRICT JUDGE  
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