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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENZELL METCALF,
Plaintiff,
v.
C. HUCKLEBERRY, et al.,
Defendants.

No. 1:19-cv-00809-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 12)

Plaintiff Denzell Metcalf is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action 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 November 19, 2019, the assigned magistrate judge screened plaintiff’s first amended complaint and issued findings and recommendations recommending that this action proceed against defendants Huckleberry, Marquez, and Franco on plaintiff’s claim for failure to protect in violation of the Eighth Amendment, and that all other claims and defendants be dismissed based on plaintiff’s failure to state a claim upon which relief may be granted. (Doc. No. 12.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4–5.) Plaintiff filed what he characterized as “objections” on December 5, 2019, but in which he stated that he did not oppose the findings and recommendations. (Doc. No. 13.)

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

5 Accordingly:

- 6 1. The findings and recommendations issued on November 19, 2019, (Doc. No. 12), are
7 adopted in full;
- 8 2. This action shall proceed on plaintiff's first amended complaint, filed November 15,
9 2019, (Doc. No. 10), against defendants Huckleberry, Marquez, and Franco for failure
10 to protect plaintiff in violation of the Eighth Amendment;
- 11 3. All other claims and defendants are dismissed, with prejudice, based on plaintiff's
12 failure to state claims upon which relief may be granted; and
- 13 4. This action is referred back to the assigned magistrate judge for further proceedings
14 consistent with this order.

15 IT IS SO ORDERED.

16 Dated: April 18, 2020

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19 UNITED STATES DISTRICT JUDGE
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