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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL L. SNOWDEN,
Plaintiff,
v.
H. TATE; M. TOSCANO,
Defendants.

Case No. 1:19-cv-00843-AWI-JLT
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 13)

Plaintiff Daniel L. Snowden 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 13, 2020, the assigned magistrate judge issued a screening order, finding that Plaintiff states cognizable claims of retaliation and deliberate indifference to serious medical needs but fails to state a cognizable due process claim. (Doc. 10.) The magistrate judge granted Plaintiff leave to file an amended complaint or notify the court that he wishes to proceed only on his retaliation and deliberate indifference claims. (*Id.*) In response, Plaintiff filed a motion requesting that the court “remove the ‘due process violation claim’” and allow him to proceed on the “deliberate indifference and retaliation” claims. (Doc. 11.)

Accordingly, the magistrate judge issued findings and recommendations to dismiss the claims in this action, except for Plaintiff’s claims of retaliation and deliberate indifference to

1 serious medical needs in violation of the First and Eighth amendments. (Doc. 13.) The findings
2 and recommendations provided Plaintiff 14 days to file objections thereto. (*Id.*) More than the
3 allowed time has passed, and Plaintiff has not filed any objections.

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

7 Accordingly, the Court ORDERS:

- 8 1. The findings and recommendations issued on January 30, 2020 (Doc. 13) are
9 ADOPTED in full;
- 10 2. The claims in this action are DISMISSED, except for Plaintiff's claims of
11 retaliation and deliberate indifference to serious medical needs;
- 12 3. This case is referred back to the assigned magistrate judge for further proceedings.

13 IT IS SO ORDERED.
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15 Dated: March 4, 2020


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17 SENIOR DISTRICT JUDGE

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