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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES B. FAULTRY,  
Plaintiff,  
v.  
A. SANCHEZ, et al.,  
Defendants.

No. 1:19-cv-01033-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 14)

Plaintiff Charles B. Faultry is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 6, 2019, the assigned magistrate judge screened the complaint and found that plaintiff had stated a cognizable claim against defendants A. Sanchez, B. Rodriguez, C. Perez, V. Maldonado, and G. Smith for excessive use of force in violation of the Eighth Amendment and against defendant E. Tindle for failure to intervene in violation of the Eighth Amendment. (Doc. No. 10.) Plaintiff was granted leave to file an amended complaint or notify the court of his willingness to proceed only on the claims found to be cognizable by the screening order within thirty days after the service of the screening order. (*Id.* at 6–7.) On August 19, 2019, plaintiff notified the court of his intent to proceed only on the cognizable claims identified by the magistrate judge in the screening order. (Doc. No. 13.)

1 On August 22, 2019, the assigned magistrate judge issued findings and recommendations,  
2 recommending that this action proceed against defendants A. Sanchez, B. Rodriguez, C. Perez, V.  
3 Maldonado, and G. Smith for excessive use of force in violation of the Eighth Amendment and  
4 against E. Tindle for failure to intervene in violation of the Eighth Amendment. (Doc. No. 14.)  
5 The magistrate judge also recommended that plaintiff's state law claims and request for injunctive  
6 relief be dismissed. (*Id.* at 2.) The findings and recommendations were served on plaintiff and  
7 contained notice that any objections thereto were to be filed within fourteen days after service.  
8 (*Id.*) No objections have been filed and the time in which to do so has now passed.

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

12 Accordingly,

- 13 1. The findings and recommendations issued on August 22, 2019 (Doc. No. 14) are  
14 adopted in full;
- 15 2. This action shall proceed against defendants A. Sanchez, B. Rodriguez, C. Perez,  
16 V. Maldonado, and G. Smith for excessive use of force in violation of the Eighth  
17 Amendment, and against E. Tindle for failure to intervene in violation of the  
18 Eighth Amendment;
- 19 3. Plaintiff's state law claims and request for injunctive relief are dismissed; and
- 20 4. This action is referred back to the assigned magistrate judge for further  
21 proceedings consistent with this order.

22 IT IS SO ORDERED.

23 Dated: November 25, 2019

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26 UNITED STATES DISTRICT JUDGE  
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