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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ALBERT EUGENE THOMAS,

Plaintiff,

v.

**CAPTAIN CHENALO, C/O GUERRA,
C/O SALAS, C/O MEDINA, C/O#1
THIRD WATCH, C/O FLOREZ, and
PROGRAM SGT. PADILLA,**

Defendants.

Case No. 1:19-cv-01185-AWI-HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Doc. No. 21)

Plaintiff Albert Thomas is proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff is proceeding on his Second Amended Complaint filed on August 30, 2021. (Doc. No. 20, “SAC”). The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

On August 2, 2022, the assigned magistrate judge issued a findings and recommendations recommending that Plaintiff be permitted to proceed on his Eighth Amendment claim against Defendants Forez, Salas, Medina, and C/O #1 Third Watch for subjecting Plaintiff to unconstitutional conditions of confinement. (Doc. No. 21 at 8). The assigned magistrate judge also recommended that all other claims and Defendants Chenalo, Guerrero, and Padilla be dismissed. (Id.). The findings and recommendations served on Plaintiff contained a notice that any objections were due within fourteen days. *Id.* Plaintiff has not filed any objection and the time to do so has passed. See docket.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
2 de novo review of this case. Having carefully reviewed the entire file, the Court concludes the
3 findings and recommendation are supported by the record and by proper analysis. This action
4 proceeds as to the Eighth Amendment conditions of confinement claim against Defendants
5 Florez, Salas, Medina, and C/O #1 Third Watch. All other claims and Defendants are dismissed.
6

7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations issued on August 2, 2022 are ADOPTED in full;
10 2. The Clerk of Court shall dismiss Defendants Chenalo, Guerrero, and Padilla and update
11 the docket accordingly.
12 3. This matter is referred back to the assigned magistrate judge for further proceedings.
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14 IT IS SO ORDERED.

15 Dated: September 13, 2022

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18 SENIOR DISTRICT JUDGE
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