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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT QUINCY THOMAS,
Plaintiff,
v.
REYNA, et al.,
Defendants.

No. 1:19-cv-01217-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
NON-COGNIZABLE CLAIMS

(Doc. No. 16)

Plaintiff Robert Quincy Thomas is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action 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 September 11, 2020, the assigned magistrate judge screened plaintiff’s complaint (Doc. No. 1) and found that he had stated cognizable Eighth Amendment excessive use of force claims against defendants Reyna, Podsakoff, Vellido, Centeno, and Huerta. However, plaintiff’s remaining claims were found not to be cognizable. (Doc. No. 13.) The magistrate judge therefore granted plaintiff thirty (30) days to either file a first amended complaint or to notify the court that he would proceed only on his excessive use of force claims found to be cognizable in the screening order. (*Id.* at 9.) On September 21, 2020, plaintiff notified the court that he was willing to proceed only with the claims found cognizable in the screening order. (Doc. No. 14.)

1 Accordingly, on September 23, 2020, the assigned magistrate judge issued findings and
2 recommendations, recommending that plaintiff's claims previously found not to be cognizable in
3 the initial screening order be dismissed. (Doc. No. 16.) The findings and recommendations were
4 served on plaintiff and contained notice that any objections thereto were to be filed within
5 fourteen (14) days from the date of service. (*Id.*) To date, no objections to the findings and
6 recommendations have been filed with the court, and the time in which to do so has now passed.

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

10 Accordingly:

- 11 1. The findings and recommendations issued on September 23, 2020 (Doc. No. 16) are
12 adopted in full;
- 13 2. This action now proceeds only on plaintiff's Eighth Amendment excessive use of force
14 claims against defendants Reyna, Podsakoff, Vellido, Centeno, and Huerta;
- 15 3. All other claims in the complaint are dismissed; and
- 16 4. This case is referred back to the assigned magistrate judge for further proceedings.

17 IT IS SO ORDERED.

18 Dated: November 17, 2020

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21 UNITED STATES DISTRICT JUDGE
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