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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VESTER L. PATTERSON,

Plaintiff,

v.

JOHN DOES 1-18, et al,

Defendants.

No. 1:19-cv-01401-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 12)

Plaintiff Vester L. Patterson is a state prisoner proceeding *pro se* 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 October 16, 2020, the assigned magistrate judge filed findings and recommendations determining that plaintiff’s first amended complaint states a cognizable claim of deliberate indifference to plaintiff’s medical needs under the Eighth Amendment by the John Doe defendants. (Doc. No. 12.) The magistrate judge found that all remaining claims were not cognizable. (*Id.*) In response to the court’s order, plaintiff filed a notice indicating his election not to amend the complaint and instead to proceed only on the cognizable claim. (Doc. 14.)

On March 3, 2021, the assigned magistrate judge filed findings and recommendations to allow the case to proceed on the Eight Amendment claim against John Does 1–18 and dismiss the non-cognizable claims. (Doc. 21.) The order advised the parties that they could file written

1 objections with the court within fourteen days of being served with the findings and
2 recommendations. (*Id.* at 7). Over fourteen days have passed, and no party has filed objections.

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

6 Accordingly,

- 7 1. The findings and recommendations issued on March 3, 2021 (Doc. No. 12) are
8 adopted in full.
- 9 2. The claims in plaintiff's complaint are dismissed, except for Plaintiff's Eighth
10 Amendment claim against John Does 1-18.
- 11 3. This case is referred back to the assigned magistrate judge for further proceedings.

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13 IT IS SO ORDERED.

14 Dated: May 6, 2021



UNITED STATES DISTRICT JUDGE

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