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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GIOVANNI GONZALES (*aka* Sharon
Gonzales),

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, *et al.*,

Defendants.

Case No. 1:19-cv-01467-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(ECF No. 14)

Plaintiff Giovanni Gonzales, aka Sharon Gonzales (“Plaintiff”), is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 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 April 13, 2020, the assigned Magistrate Judge screened Plaintiff’s first amended complaint and found that Plaintiff stated cognizable claims against Defendants Diaz, Song, Mitchell, and DOES 1–50 in their official capacities for purposes of injunctive relief, for deliberate indifference to Plaintiff’s serious medical needs in violation of the Eighth Amendment, and for discrimination based on Plaintiff’s transgender status under the Fourteenth Amendment’s Equal Protection Clause, but failed to state any other cognizable claims against any other defendants. (ECF No. 14.) The Magistrate Judge recommended that the action proceed on those

1 claims found cognizable, and all other claims and defendants be dismissed from this action for
2 failure to state claims upon which relief may be granted. The findings and recommendations
3 were served on Plaintiff and contained notice that any objections were to be filed within fourteen
4 (14) days after service. (Id. at 14–15.) No objections have been filed, and the deadline to do so
5 has expired.

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

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on April 13, 2020 (ECF No. 14) are
11 adopted in full;
- 12 2. This action shall proceed on Plaintiff’s first amended complaint, filed March 24, 2020
13 (ECF No. 12) against Defendants Diaz, Song, Mitchell and DOES 1–50 in their
14 official capacities for purposes of injunctive relief, for deliberate indifference to
15 Plaintiff’s serious medical needs in violation of the Eighth Amendment, and for
16 discrimination based on Plaintiff’s transgender status under the Fourteenth
17 Amendment’s Equal Protection Clause;
- 18 3. All other claims and defendants are dismissed based on Plaintiff’s failure to state
19 claims upon which relief may be granted; and
- 20 4. This action is referred back to the assigned Magistrate Judge for further proceedings
21 consistent with this order.

22 IT IS SO ORDERED.

23 Dated: December 15, 2020

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25 SENIOR DISTRICT JUDGE