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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 ESMELING L. BAHENA,

12 Plaintiff,

13 v.

14 D. ROHRDANZ, et al.,

15 Defendants.  
16

No. 1:20-cv-00618-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 16)

17 Plaintiff Esmeling L. Bahena is a state prisoner proceeding *pro se* and *in forma pauperis*  
18 in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States  
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On September 24, 2020, the assigned magistrate judge filed a screening order, finding that  
21 plaintiff's complaint states cognizable claims of deliberate indifference against Defendants  
22 Rohrdanz and Manhas but not against the remaining defendants. (Doc. No. 11). The magistrate  
23 judge directed plaintiff to file a first amended complaint curing the deficiencies in his pleading or  
24 to notify the court of his desire to proceed only on the claims found cognizable. (*Id.* at 1, 8.) On  
25 October 29, 2020, plaintiff filed a "notice to proceed only on Defendants Rohrdanz and Manhas."  
26 (Doc. No. 14.)

27 Accordingly, on November 3, 2020, the magistrate judge issued findings and  
28 recommendations, recommending that Defendants Palma and Teresiah and the claims against

1 these defendants be dismissed. (Doc. No. 16.) The findings and recommendations were served  
2 on plaintiff and provided him 14 days to file objections thereto. (*Id.* at 2.) Plaintiff has not filed  
3 any objections and the time to do so has passed.

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

7 Accordingly,

- 8 1. The findings and recommendations issued on November 3, 2020 (Doc. No. 16) are  
9 adopted in full;
- 10 2. Defendants Palma and Teresiah, and the claims against these defendants, are  
11 dismissed; and,
- 12 3. This case is referred back to the assigned magistrate judge for further proceedings.

13  
14 IT IS SO ORDERED.

15 Dated: **January 7, 2021**

  
UNITED STATES DISTRICT JUDGE