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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORDAN LEE EMBREY,
Plaintiff,
v.
MCCOMAS, et al.,
Defendants.

No. 1:20-cv-00650-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
NON-COGNIZABLE CLAIMS

(Doc. No. 12)

Plaintiff Jordan Lee Embrey is a state prisoner proceeding *pro se* 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 25, 2020, the assigned magistrate judge issued findings and recommendations, recommending that this action proceed on plaintiff’s first amended complaint on plaintiff’s medical deliberate indifference claim against defendants Dr. Obendena and Williams. (Doc. No. 12.) The magistrate judge further recommended that all other federal claims and all other defendants be dismissed from this action based on plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14)

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1 days from the date of service. (*Id.*) To date, no objections to the findings and recommendations
2 have been filed with the court, and the time in which to do so has now passed.

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 the case. Having carefully reviewed the entire file, the court finds the findings
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on September 25, 2020 (Doc. No. 12) are
8 adopted in full;
- 9 2. This action proceeds on plaintiff's first amended complaint, filed September 1, 2020
10 (Doc. No. 10), against defendants Obendena and Williams for deliberate indifference
11 to plaintiff's serious medical needs in violation of the Eighth Amendment;
- 12 3. All other federal claims and all other defendants are dismissed from this action due to
13 plaintiff's failure to state a claim upon which relief may be granted; and
- 14 4. This action is referred back to the magistrate judge for proceedings consistent with this
15 order.

16 IT IS SO ORDERED.

17 Dated: November 19, 2020

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19 _____
20 UNITED STATES DISTRICT JUDGE