

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN FIGUEROA,
Plaintiff,
v.
KEN CLARK, et al.,
Defendants.

No. 1:20-cv-01254-AWI-SKO (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Doc. No. 13)

Plaintiff Ruben Figueroa is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 June 14, 2021, the assigned magistrate judge filed a screening order, finding that Plaintiff’s complaint states cognizable claims of deliberate indifference against Defendants Navarro, Phi, and Ramirez, but that its remaining claims are not cognizable. Doc. No. 8. The magistrate judge directed Plaintiff to file a first amended complaint curing the deficiencies in his pleading or to notify the court of his desire to proceed only on the claims found cognizable. *Id.* at 8-9. On July 2, 2021, Plaintiff filed a notice “of his desire to proceed only on the claims found cognizable.” Doc. No. 11.

Therefore, on July 7, 2021, the magistrate judge filed findings and recommendations, recommending that (1) the defendants in this action be dismissed, except for Defendants Navarro,

1 Phi, and Ramirez, and (2) the claims in Plaintiff's complaint be dismissed, except for its claims of
2 deliberate indifference to health or safety against Defendants Navarro, Phi, and Ramirez. Doc.
3 No. 13. The findings and recommendations were served on Plaintiff and provided him 14 days to
4 file objections thereto. Id. at 2. Plaintiff has not filed any objections, and the time to do so has
5 passed.

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 file, the Court finds the findings and
8 recommendations to be supported by the record and proper analysis.

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on July 7, 2021 (Doc. No. 13) are
11 ADOPTED in full;
- 12 2. The defendants in this action are DISMISSED, except for Defendants Navarro,
13 Phi, and Ramirez;
- 14 3. The claims in Plaintiff's complaint are DISMISSED, except for its claims of
15 deliberate indifference to health or safety against Defendants Navarro, Phi, and
16 Ramirez, pursuant to 42 U.S.C. § 1983;
- 17 4. The Clerk of the Court is directed to rename this case "*Figueroa v. Navarro, et*
18 *al.*"; and,
- 19 5. This case is referred back to the assigned magistrate judge for further proceedings.

20 IT IS SO ORDERED.

21 Dated: August 12, 2021

22 
23 SENIOR DISTRICT JUDGE
24
25
26
27
28