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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,
Plaintiff,
v.
BARRIOS, *et al.*,
Defendants.

No. 1:20-cv-01405-NONE-BAM (PC)

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

(Doc. No. 16)

Plaintiff Durrell Anthony Puckett is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 13, 2021, the assigned magistrate judge screened plaintiff’s first amended complaint and issued findings and recommendations that this action proceed on claims for excessive force for alleged sexual assault in violation of the Eighth Amendment against defendants Barrios, P. Rodriguez, Gomez, I. Rodriguez, Hurd, Amezcua, Lopez-Maldonado, and Woodward and for failure to intervene in violation of the Eighth Amendment against defendants Holland, Jones, and John Does 1–4. (Doc. No. 16.) The magistrate judge further recommended that all other claims and 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 were to be filed within fourteen (14) days after service. (*Id.* at 8–9.) No objections have been filed, and the deadline to do so has

1 expired.

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

5 Accordingly,

- 6 1. The findings and recommendations issued on January 13, 2021, (Doc. No. 16), are
7 adopted in full;
- 8 2. This action shall proceed on plaintiff's first amended complaint, filed December 15,
9 2020, (Doc. No. 15), against defendants Barrios, P. Rodriguez, Gomez, I. Rodriguez,
10 Hurd, Amezcua, Lopez-Maldonado, and Woodward for excessive force for alleged
11 sexual assault in violation of the Eighth Amendment and defendants Holland, Jones,
12 and John Does 1–4 for failure to intervene in violation of the Eighth Amendment;
- 13 3. All other claims are dismissed from this action for failure to state a claim upon which
14 relief may be granted; and
- 15 4. This action is referred back to the magistrate judge for proceedings consistent with this
16 order.

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18 IT IS SO ORDERED.

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20 Dated: March 5, 2021

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24 UNITED STATES DISTRICT JUDGE

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