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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MICHAEL SHORTER,	No. 1:20-cv-01823-NONE-BAM (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND
13	v.	RECOMMENDATIONS THAT THE FEDERAL CLAIMS BE DISMISSED, WITH
14	SULLIVAN, et al.,	PREJUDICE, FOR FAILURE TO STATE A CLAIM AND THE COURT DECLINE TO
15 16	Defendants.	EXERCISE SUPPLEMENTAL  JURISDICTION OVER STATE LAW  CLAIMS
17		(Doc. No. 12)
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19	Plaintiff Michael Shorter is a state prisoner proceeding pro se and in forma pauperis in	
20	this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States	
21	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
22	In his second amended complaint, plaintiff describes an incident in which he fell, suffered	
23	a knee and back injury, and was allegedly not provided proper medical treatment by prison	
24	officials. Plaintiff alleges Eighth Amendment violations via several defendants' "deliberate	
25	indifference" to his serious medical needs. (Doc. No. 11.)	
26	On August 5, 2021, the assigned magistrate judge screened the second amended complaint	
27	and issued findings and recommendations recommending that the federal claims in this action be	
28	dismissed due to plaintiff's failure to state a cognizable claim upon which relief may be granted  1	

and that the court further decline to exercise supplemental jurisdiction over plaintiff's state law claims. (Doc. No. 12.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 11.) Following an extension of time, plaintiff timely filed objections on October 4, 2021. (Doc. No. 15.) Plaintiff objected to the magistrate judge's finding that the defendant's actions, as pled, did not constitute excessive force or deliberate indifference sufficient to support an Eighth Amendment claim.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections, the court concludes that the magistrate judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly,

- 1. The findings and recommendations issued on August 5, 2021, (Doc. No. 12), are adopted in full;
- 2. Plaintiff's federal claims asserted in this action are dismissed with prejudice due to plaintiff's failure to state a claim upon which relief may be granted;
- 3. The exercise of supplemental jurisdiction over plaintiff's state law claims is declined, and plaintiff's state law claims are dismissed without prejudice to their being brought in an action filed in state court; and
- 4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **December 6, 2021** 

UNITED STATES DISTRICT JUDGE