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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	JARED DAVIS,	Case No. 1:21-cv-00494-JLT-HBK (PC)	
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL	
13	v.	(Doc. 22)	
14	K. ALLISON, R. GODWIN, and O. ONYEJE,	(1500. 22)	
15	Defendants.		
16			
17	The Magistrate Judge issued findings and recommendations, which concluded that		
18	Plaintiff's Second Amended Complaint should be dismissed for failure to state a claim. (See Doc.		
19	22.) Plaintiff filed objections on November 8, 2023. (Doc. 23).		
20	The Court has conducted a de novo review of this case. (28 U.S.C. § 636(b)(1)(C).)		
21	Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to		
22	be supported by the record and by proper analysis. The magistrate judge correctly found that the		
23	allegations in the Second Amended Complaint do not establish that any of the Defendants		
24	participated in, nor even were aware of, the decisions by prison staff to remove an inmate from		
25	quarantine early and place him in Plaintiff's cell. (Doc. 22 at 6). The Objections include new		
26	facts that are not included in the Second Amended Complaint as to the inmate's treatment by		
27	medical staff and placement in Plaintiff's cell. (See Doc. 23 at 1-2). Even assuming these		
28	allegations are true, they only implicate unspe	ecified prison staff who are not named in this action,	

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and do not set forth constitutional violations by any of the Defendants. The Objections also allege for the first time that "most" inmates placed in D yard for quarantine were taken off quarantine early "and placed against their will into inmates cell's [sic] who have not tested possitive [sic]." (Doc. 23 at 2-3). The Court declines to consider this vague assertion, made for the first time in Plaintiff's Objections, which is unsupported by any details that would permit the Court to infer personal knowledge. *Graham v. Langford*, 2017 WL 3151232, at \*1 (C.D. Cal. July 24, 2017) ("[A] district court has discretion, but is not required, to consider evidence or arguments presented for the first time in objections to a report and recommendation.") (citing *Brown v. Roe*, 279 F.3d 742 (9th Cir. 2002) and *United States v. Howell*, 231 F.3d 615 (9th Cir. 2000)). It is not the Court's role to request records of CDCR pertaining to Plaintiff and these other unspecified inmates to validate Plaintiff's claims, as Plaintiff directs the Court to do in his Objections. (Doc. 23 at 4).

In his Objections, Plaintiff also reasserts that prison officials' failure to provide personal protective equipment and cleaning supplies violated the Eighth Amendment. (Doc. 23 at 2-3). However, the magistrate judge properly found that such general allegations do not state an Eighth Amendment claim, particularly when Plaintiff does not assert any facts linking the failure to provide PPE and cleaning supplies with his purported injury. (Doc. 22 at 6-7). For these reasons, the Objections do not articulate a cognizable basis for rejecting the findings and recommendations. Thus, the Court **ORDERS**:

- 1. The Findings and Recommendation, filed on October 13, 2023 (Doc. 22), are **ADOPTED IN FULL**.
  - 2. The action is **DISMISSED**.
  - 3. The Clerk of Court shall close this case.

26 Dated: **December 19, 2023** 

IT IS SO ORDERED.