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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABONILICO CARROLL,  
Plaintiff,  
v.  
WARDEN, et al.,  
Defendants.

No. 1:21-cv-01605-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 15)

Plaintiff Abonilico Carroll is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 November 30, 2021, the assigned magistrate judge screened plaintiff’s complaint and found that plaintiff had failed to state any cognizable claim. (Doc. No. 10.) In that screening order, the court provided plaintiff with guidance regarding the pleading and legal standards applicable to the claims that he was attempting to assert in his complaint. (*Id.* at 3–8.) Plaintiff was granted leave to file a first amended complaint within thirty (30) days from service of that screening order, or alternatively, if plaintiff did not wish to further amend his complaint, he was directed to file a notice of his intent to stand on his complaint. (*Id.* at 9.) Plaintiff was warned that if he elected to stand on his complaint, the magistrate judge would issue findings and recommendations recommending that plaintiff’s complaint be dismissed, without leave to amend,

1 due to plaintiff's failure to state a cognizable claim. (*Id.*) On January 3, 2022, plaintiff filed a  
2 first amended complaint ("FAC"). (Doc. No. 11.)

3 On March 30, 2022, the magistrate judge screened plaintiff's FAC and found that plaintiff  
4 had stated cognizable Eighth Amendment claims against defendant Doe 1, but that plaintiff had  
5 failed to state any other cognizable claims against defendant Doe 1 or the other defendants named  
6 in his FAC: Warden, Doe 2, and Doe 3. (Doc. No. 15.) Accordingly, the magistrate judge issued  
7 findings and recommendations recommending that this case proceed on plaintiff's Eighth  
8 Amendment conditions of confinement claim against defendant Doe 1 and plaintiff's Eighth  
9 Amendment claim for deliberate indifference to his serious medical needs against defendant Doe  
10 1, but that all other claims and defendants be dismissed. (*Id.* at 9.) The pending findings and  
11 recommendations were served on plaintiff and contained notice that any objections thereto were  
12 to be filed within twenty-one (21) days after service. (*Id.* at 10.) No objections have been filed,  
13 and the time in which to do so has now passed.

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

17 Accordingly,

- 18 1. The findings and recommendations issued on March 30, 2022 (Doc. No. 15) are  
19 adopted in full;
- 20 2. This action shall proceed on plaintiff's Eighth Amendment conditions of  
21 confinement claim and claim for deliberate indifference to his serious medical  
22 needs against defendant Doe 1;
- 23 3. All other claims and named defendants are dismissed;

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- 4. The Clerk of the Court is directed to update the docket to reflect that defendants Warden, Doe 2, and Doe 3 have been terminated as named defendants in this action; and
- 5. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: May 9, 2022

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UNITED STATES DISTRICT JUDGE