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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID WAYNE WILSON,

 Plaintiff,

 v.

LURA MERRITT, et al.,

 Defendants.

Case No.: 1:22-cv-00455-JLT-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS
FOLLOWING SCREENING OF PLAINTIFF’S
FIRST AMENDED COMPLAINT

(Doc. 34)

Plaintiff David Wayne Wilson seeks to hold the defendants liable for civil rights violations 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.

The magistrate judge recommended this action proceed only on Plaintiff’s Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Fishburn, Merritt and Carlson, in their individual capacities; First Amendment retaliation claim against Defendant Merritt, in her individual capacity; Fourteenth Amendment equal protection clause claim against Defendant Carlson, in her individual capacity; state law equal protection clause claim against Defendant Carlson, in her individual capacity; and that the remaining claims and defendants to be dismissed. (Doc. 34.) The magistrate judge advised Plaintiff that the “failure to file objections within the specified time may result in waiver of his rights on appeal.” (*Id.* at 18, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d

1 1391, 1394 (9th Cir. 1991). To date, no objections have been filed.

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this
3 case. Having carefully reviewed the matter, the Court concludes the Findings and
4 Recommendations to be supported by the record and proper analysis. Accordingly, the Court

5 **ORDERS:**

- 6 1. The Findings and Recommendations issued November 21, 2023 (Doc. 34) are
7 **ADOPTED** in full.
- 8 2. This action **PROCEEDS** on Plaintiff's Eighth Amendment deliberate indifference to
9 serious medical needs claims against Defendants Fishburn, Merritt and Carlson, in
10 their individual capacities; First Amendment retaliation claim against Defendant
11 Merritt, in her individual capacity; Fourteenth Amendment equal protection clause
12 claim against Defendant Carlson, in her individual capacity; and state law equal
13 protection clause claim against Defendant Carlson, in her individual capacity, pursuant
14 to 42 U.S.C. § 1983.
- 15 3. The following Defendants are **DISMISSED** from this action:
 - 16 a. Public Entity of CDCR in Corcoran Calif
 - 17 b. Jessia Huffman
 - 18 c. Registered Nurses at SATF
 - 19 d. S. Thomas
 - 20 e. E. Johnson
 - 21 f. Melisa Fritz
 - 22 g. Godwin Ugwueze
 - 23 h. Clarence Cryer, Jr;
 - 24 i. California Department of Corrections and Rehabilitation
 - 25 j. Public Entity State Administration of Prisons in Sacramento CA
- 26 4. The remaining claims in Plaintiff's first amended complaint are **DISMISSED**.

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5. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: December 11, 2023


UNITED STATES DISTRICT JUDGE