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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDRES MASQUEDA SERRANO,
Plaintiff,
v.
ROBERT RUDAS, et al.,
Defendants.

Case No.: 1:22-cv-00950-KES-CDB
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS
(Doc. 17)

Plaintiff Andres Masqueda Serrano is proceeding pro se and in forma pauperis in this civil rights action filed 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.

On February 15, 2024, the assigned Magistrate Judge issued findings and recommendations, recommending this action proceed only on Plaintiff’s Eighth Amendment deliberate indifference to serious medical needs claim against Defendant Rudas, that Defendant De La Sierra be dismissed from the action, and that any remaining claims in Plaintiff’s complaint be dismissed. (Doc. 17.) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days of service. 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 2, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991). No objections

1 have been filed, and the deadline to do so has expired. (*See* docket.)

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

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations issued February 15, 2024 (Doc. 17) are
7 ADOPTED in full;
- 8 2. This action PROCEEDS solely on Plaintiff's Eighth Amendment deliberate
9 indifference to serious medical needs claim against Defendant Rudas;
- 10 3. Defendant Ana De La Sierra is DISMISSED from the action;
- 11 4. The remaining claims in Plaintiff's complaint are DISMISSED; and
- 12 5. This matter is referred back to the assigned Magistrate Judge for further proceedings.

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IT IS SO ORDERED.

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Dated: March 26, 2024

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UNITED STATES DISTRICT JUDGE