

1 *Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) He did not file objections, and the deadline to do so
2 expired.

3 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this case.
4 Having carefully reviewed the entire file, the Court concludes the Findings and Recommendations
5 are supported by the record and by proper analysis. Accordingly, the Court **ORDERS**:

- 6 1. The findings and recommendations issued on September 12, 2023 (Doc. 21) are
7 **ADOPTED** in full.
- 8 2. This action **SHALL** proceed on Plaintiff's Second Amended Complaint (Doc. 20)
9 only on Plaintiff's Eighth Amendment claims against:
 - 10 a. Burns for the painful cuffing and refusal to loosen the cuffs on 1/7/23;
 - 11 b. Burns and Mumby for the force used against Plaintiff on 1/7/23 in the
12 rotunda;
 - 13 c. Burns for deliberate indifference to medical care on 1/7/23; and
 - 14 d. J. Ramirez, G. Sanchez, and C. Patricio for failure to protect on 1/7/23.
- 15 3. All other claims and defendants are **DISMISSED** from this action for failure to
16 state claims upon which relief may be granted.
- 17 4. This action is referred to the Magistrate Judge for further proceedings.

18 IT IS SO ORDERED.

19 Dated: October 16, 2023

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22 UNITED STATES DISTRICT JUDGE
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