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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	KENNETH LEUELU,	No. 1:24-cv-00031-KES-BAM (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING DISMISSAL OF CERTAIN CLAIMS AND DEFENDANTS
13	v.	
14	PAUL, et al.,	Doc. 16
15	Defendants.	
16		
17	Plaintiff Kenneth Leuelu is a state prisoner proceeding pro se and in forma pauperis in this	
18	civil rights action pursuant to 42 U.S.C. § 1983.	
19	On April 26, 2024, the assigned magistrate judge screened the complaint and found	
20	Plaintiff stated a cognizable claim against Defendant Steven Paul for deliberate indifference to	
21	medical care in violation of the Eighth Amendment for Plaintiff's post-surgery care but failed to	
22	state any other cognizable claims for relief against any other defendant. Doc. 11. The Court	
23	ordered Plaintiff to either file a first amended complaint or notify the Court of his willingness to	
24	proceed only on the cognizable claim identified by the Court. Id. On May 13, 2024, Plaintiff	
25	filed a notice that he did not wish to file an amended complaint and was willing to proceed on	
26	only the cognizable claim against Defendant Paul. Doc. 12. He also provided his current	
27	address. Id.	
28	Accordingly, on May 16, 2024, the ma	gistrate judge issued findings and recommendations

1	that this action proceed on Plaintiff's complaint against Defendant Steven Paul for deliberate	
2	indifference to medical care in violation of the Eighth Amendment for Defendant's post-surgery	
3	care. Doc. 16. The magistrate judge further recommended that all other claims and defendants be	
4	dismissed based on Plaintiff's failure to state claims upon which relief may be granted. Id. The	
5	findings and recommendations were served on Plaintiff and contained notice that any objections	
6	were to be filed within fourteen (14) days after service. Id. Plaintiff subsequently filed a motion	
7	to appoint counsel on May 21, 2024, which the Court denied. See docket. Plaintiff did not file	
8	any objections to the findings and recommendations and the deadline to do so has passed. Id.	
9	In accordance with the provisions of 28 U.S.C. § 636(b)(1) and Local Rule 302, this Court	
10	has conducted a de novo review of this case. Having carefully reviewed the file, the Court finds	
11	the findings and recommendations to be supported by the record and by proper analysis.	
12	Accordingly, IT IS ORDERED as follows:	
13	1. The findings and recommendations issued on May 16, 2024, (Doc. 16), are ADOPTED IN	
14	FULL;	
15	2. This action shall proceed on Plaintiff's complaint, filed January 8, 2024, (Doc. 1), against	
16	Defendant Steven Paul for deliberate indifference to medical care in violation of the	
17	Eighth Amendment for Plaintiff's post-surgery care;	
18	3. All other claims and defendants are dismissed from this action for failure to state claims	
19	upon which relief may be granted; and	
20	4. This action is referred back to the assigned magistrate judge for proceedings consistent	
21	with this order.	
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24	IT IS SO ORDERED.	
25	Dated: <u>November 25, 2024</u> UNITED STATES DISTRICT JUDGE	
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