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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHAN KEVIN TURNER,

Plaintiff,

No. CIV S-09-0632 GEB DAD P

vs.

KATHLINE DICKINSON, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action seeking relief under 42 U.S.C. § 1983, and supplemental state law claims under California Civil Code § 43. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

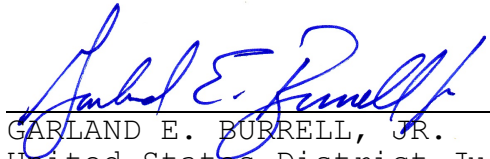
On December 14, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed December 14, 2011, are adopted in full;
2. The second claim of plaintiff's amended complaint (Doc. No. 12) is dismissed as duplicative;
3. The third, fourth and fifth claims of plaintiff's amended complaint is dismissed for failure to state a cognizable claim;
4. This action shall proceed solely on plaintiff's first claim against defendant Dr. Rohrer for providing plaintiff inadequate medical care in violation of the Eighth Amendment; and
5. Within fourteen days from the service of this order, defendant Rohrer shall file an answer.

Dated: January 25, 2012



GARLAND E. BURRELL, JR.
United States District Judge