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

HENRY A. JONES,

Plaintiff,

No. 2:11-cv-2049 LKK DAD P

vs.

DR. JAFFE et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. 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 July 26, 2013, 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 fourteen 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 1. The findings and recommendations filed July 26, 2013, are adopted in full;
- 2 2. Plaintiff's motion to amend (Doc. No. 42) is granted and plaintiff's proposed
- 3 second amended complaint (Doc. No. 43) is deemed the operative pleading in this action;
- 4 3. Defendant Dr. O'Neill's motion to dismiss (Doc. No 25) is denied as moot;
- 5 4. Defendants Dr. Jaffe and Dr. Frazier-Grubbs are dismissed from this action at
- 6 plaintiff's request;
- 7 5. Defendants Dr. Jaffe and Dr. Frazier-Grubbs' motion to dismiss (Doc. No. 30)
- 8 is denied as moot;
- 9 6. Plaintiff's state law claims are dismissed at plaintiff's request;
- 10 7. Defendant Dr. O'Neill is directed to file an answer in response to plaintiff's
- 11 Eighth Amendment claims within thirty days.

12 DATED: August 23, 2013.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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