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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:12-cv-00414-MCE-AC P

ORDER

Plaintiff, a state prisoner proceeding through counsel, 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 30, 2015, the magistrate judge filed Findings and Recommendations herein (ECF No. 71), which were served on all parties and which contained notice 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 30, 2015 (ECF No. 71) are ADOPTED
2 IN FULL;

3 2. Defendants' motion to partially dismiss the third amended complaint (ECF No. 62) is
4 GRANTED in part and DENIED in part as follows:

5 a. GRANTED as to Defendant CDCR, who is now DISMISSED from this action;


6 b. GRANTED as to Count V against Defendants Grounds and Frias; and

7 c. DENIED as to Count V against Defendant Gorham;

8 3. Plaintiff's request for leave to amend is DENIED. If plaintiff seeks to amend his
9 complaint, he must file a motion to amend the complaint within twenty-one (21) days of the date
10 that this order is electronically filed. The motion must be accompanied by a proposed amended
11 complaint. See E.D. Cal. Local Rule 137(c).

12 IT IS SO ORDERED.

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14 Dated: August 31, 2015

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18 MORRISON C. ENGLAND, JR., CHIEF JUDGE
19 UNITED STATES DISTRICT COURT
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