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

RICKEY B. DELONEY,

Plaintiff,

No. 2:12-cv-1339 JAM CKD P

vs.

S. HAVER, 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 April 12, 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. The findings and recommendations filed April 12, 2013, are adopted in full;

2. Defendant Shaver is dismissed from this action;

3. Defendants' March 14, 2013 motion to dismiss (Dkt. No. 36) is denied with respect to plaintiff's Eighth Amendment claim regarding improper use of handcuffs by defendants Renner and Boucher as they escorted plaintiff to and from an appointment with an eye doctor on July 19, 2011;

4. Defendants March 14, 2013 motion to dismiss is granted in all other respects resulting in the dismissal of defendants Hibbits and Rodriguez; and

5. Defendants Renner and Boucher shall file their answer within 14 days.

DATED: May 29, 2013

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE