

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BELLA-CHRISTINA BIRRELL, a.k.a.
DAVID WESLEY BIRRELL,

Plaintiff,

v.

JOYCE BANZHAF, et al.,

Defendants.

No. 2:14-cv-1024 JAM CKD P (TEMP)

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 January 19, 2016, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record

1 and by the magistrate judge's analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed January 19, 2016, are adopted in full; and

4 2. The following defendants are dismissed from this action without prejudice, pursuant to
5 28 U.S.C. Section 1915(b)(1): Shender, Cerda, Dovichi, Sewell, Grijalva, Sandoval, Volunteers
6 of Vacaville, and California Medical Facility.

7 DATED: March 25, 2016

8 /s/ John A. Mendez

9 UNITED STATES DISTRICT COURT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28