Doc. 50 (PC) Bivins v. Ju et al 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOSEPH BIVINS, No. 2:16-cv-00389 MCE KJN P 12 Plaintiff, 13 OR<u>DER</u> V. 14 DR. JEU, 15 Defendant. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On June 14, 2018, 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 21 findings and recommendations were to be filed within fourteen days. Plaintiff has filed 22 23 objections to the findings and recommendations. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 24 25 court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 ///// 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed June 14, 2018, are adopted in full; 2. Defendant's motion for summary judgment (ECF No. 38) is granted; 3. Dr. Jeu is dismissed from this action without prejudice; and 4. Within thirty days from the date of this order, plaintiff may file an amended complaint against Dr. Borges. IT IS SO ORDERED. Dated: July 17, 2018 UNITED STATES DISTRICT JUDGE