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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEENAN WILKINS, also known as  
Nerrah Brown,

Plaintiff,

v.

JEFF MACOMBER, et al.,

Defendants.

No. 2:16-CV-00475-TLN-DMC

**ORDER**

Plaintiff Keenan Wilkins (also known as Nerrah Brown) (“Plaintiff”), a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California Local Rule 302(c)(21).

On September 24, 2019, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice that Plaintiff may file objections within fourteen (14) days. (ECF No. 23.) On October 8, 2019, Plaintiff filed his “Objections to Magistrate[?]s Findings and Recommendations.” (ECF No. 25.)

This Court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As

1 to any portion of the proposed findings of fact to which no objection has been made, the Court  
2 assumes its correctness and decides the motions on the applicable law. See Orand v. United  
3 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
4 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

5 Having carefully reviewed the entire file under the applicable legal standards, the Court  
6 finds the Findings and Recommendations to be supported by the record and by the magistrate  
7 judge's analysis.

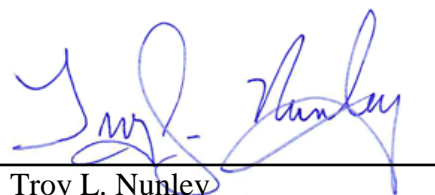
8 Plaintiff's objections to the recommended dismissals, which he asserts after being granted  
9 leave to file an amended complaint to cure his pleading deficiencies yet electing not to do so, are  
10 not well taken. Furthermore, Plaintiff's objections merely raise issues already evaluated —  
11 properly and at length — by the magistrate judge in the instant Findings and Recommendations  
12 (ECF No. 23) and the Order granting Plaintiff leave to file a third amended complaint (ECF No.  
13 21). Accordingly, Plaintiff's objections are overruled.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Findings and Recommendations, filed September 24, 2019 (ECF No. 23), are  
16 adopted in full;
- 17 2. Claim 2 is DISMISSED, as asserted against Defendants Macomber, Moore, and  
18 Ramirez;
- 19 3. Claims 4, 5, and 6 are DISMISSED; and
- 20 6. Defendants Moore and Ramirez are DISMISSED from this action.
- 21 7. This action proceeds on Plaintiff's Second Amended Complaint under Claim 1 (against  
22 Defendants Macomber, Harrington, and Lockwood), Claim 2 (against Defendant David), and  
23 Claim 3 (against Defendants David, Stewart, Macomber, and Giannelli).

24 IT IS SO ORDERED.

25 Dated: December 2, 2019

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28 Troy L. Nunley  
United States District Judge