UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ELLIS,

Plaintiff,

v.

L. BARACEROS, et al.,

Defendants.

No. 2:16-cv-1083 JAM KJN P

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 June 19, 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 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:

1. The findings and recommendations filed June 19, 2018, are adopted in full;

2. Defendants' motion for summary judgment (ECF No. 33) is granted as to plaintiff's

medical deliberate indifference claims against defendant Baraceros, and such claims are dismissed without prejudice;

3. Defendants' motion for summary judgment as to plaintiff's medical deliberate indifference claims against defendant Dr. Ko (ECF No. 33) is denied; and

4. This action is remanded to the magistrate judge for further scheduling.

DATED: July 18, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE