UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC EL,

Plaintiff,

v.

MICHAEL MARTEL, et al.,

Defendants.

No. 2:17-cv-00463-KJM-CKD-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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 18, 2019, the magistrate judge filed findings and recommendations, 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 Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 18, 2019, are adopted in full.

2. All claims against defendant Nurse Ibu are dismissed without leave to amend.

3. This case is proceeding on claims arising under the Eighth Amendment for deliberate indifference to plaintiff's serious medical needs against defendants Manohar, Mendoza, and Parales.

4. This case is referred back to the assigned magistrate for all further pretrial proceedings.

DATED: July 9, 2019.

UNITED STATES DISTRICT JUDGE