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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN JUSTIN BROWNLEE,
Plaintiff,
v.
SCOTT JONES, et al.,
Defendants.

No. 2:17-cv-00872 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 October 17, 2018, 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 . . .”).

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1 Having reviewed the file, the court finds the findings and recommendations to be supported by
2 the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed October 17, 2018, are adopted in full.

5 2. This case is proceeding only on the Eighth Amendment deliberate indifference claims
6 against defendants Jackson, Thompson, James, Smith, Goings, Grinder, Gomez, and Schmenk.

7 3. The remaining claims against defendants Jones, Hernandez, Gayman, Rosales,
8 Smolich, Anderson, Douglas, Rose, Peoples, Fry, Blyst, Yee and Hayz, and the verbal harassment
9 claim against defendant James are dismissed for failing to state a claim upon which relief can be
10 granted.

11 4. The matter is referred back to the assigned magistrate judge for all further pretrial
12 proceedings.

13 DATED: February 12, 2019.

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16 UNITED STATES DISTRICT JUDGE
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