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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES ROMERO,  
Plaintiff,  
v.  
M.E. SPEARMAN, et al.,  
Defendants.

No. 2:18-cv-1590 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, 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 July 13, 2022, the magistrate judge issued 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. ECF No. 25. 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  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations issued July 13, 2022 (ECF No. 25), are  
5 ADOPTED in full;

6 2. The following claims and defendants are DISMISSED from this action pursuant to  
7 28 U.S.C. § 1915A(b)(1)-(2):


8 a. Claim Two of the First Amended Complaint (putative *Bivens* claim against  
9 defendant Luong Nguyen), and

10 b. Defendants M.E. Spearman and U. Baniga;

11 3. This case proceeds solely on Claim One of the First Amended Complaint (Eighth  
12 Amendment deliberate indifference claim against defendant R. Wilson and defendant Luong  
13 Nguyen), and

14 4. The Clerk of Court is directed to change the spelling of defendant Luong Nguyen’s  
15 name in the case caption of the docket from “Luong Nygun” to “Luong Nguyen.” *See* ECF No.  
16 21 at 1 (First Amended Complaint).

17 DATED: September 6, 2022.

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21 CHIEF UNITED STATES DISTRICT JUDGE  
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