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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5 JOSH THOMAS,) 1:15-cv-01059-LJO-BAM (PC)
6 Plaintiff,))
7 v.) ORDER ADOPTING FINDINGS AND
8) RECOMMENDATIONS
9 C. OGBEHI, et al.,) ORDER DISMISSING CERTAIN CLAIMS
10 Defendants.) AND TRANSFERRING CERTAIN CLAIMS
11) FOR VENUE
12) (Doc. 42)

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14 Plaintiff Josh Thomas, a state prisoner proceeding *pro se* and *in forma pauperis*, brings
15 this action pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act ,42 U.S.C. § 12101
16 et seq., and the Rehabilitation Act § 504. The matter was referred to a United States magistrate
17 judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 In this case, Plaintiff asserts claims against the State of California, the California
19 Department of Corrections and Rehabilitation, the County of King, Defendants T. Price, J.
20 Lopez, Does 1 -4, LeMay, Thomas, Belantes, Faria, T. Brown, Johal, Oder, Ogbuehi, Byers,
21 Ugwueze, Beltran, Alva, Tann, Carrasquillo, and Smiley, arising out of incidents while he was
22 housed at the California Substance Abuse Treatment Facility (“CSATF”). Plaintiff also asserts
23 claims against Defendants O’Mar, Green, Bick, Harris, Collins, Strickland, Harmon, Harless,
24 Gilliard, Horch, and Gatr, and the County of Solano, arising out of events from when he was
25 housed at California Medical Facility (“CMF”), in Vacaville, California.

26 On June 27, 2018, the assigned Magistrate Judge filed a findings and recommendations.
27 (Doc. No. 42.) The findings and recommendations recommended that all claims against the
28 CSATF defendants be dismissed, with prejudice, for the failure to state a claim upon which relief

1 may be granted. They further recommended that the claims against the CMF defendants be
2 severed and transferred to the Sacramento Division of the United States District Court for the
3 Eastern District of California, based on venue. The findings and recommendations was served
4 on Plaintiff and contained notice that any objections to the findings and recommendations were
5 to be filed within fourteen days (14) days from the date of service. That deadline has passed, and
6 no objections were filed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
8 a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
9 findings and recommendations to be supported by the record and by proper analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations issued on June 27, 2018, are adopted in full;
- 12 2. Plaintiff's claims against the State of California, the California Department of
13 Corrections and Rehabilitation, the County of King, and Defendants T. Price, J. Lopez, Does 1 -
14 4, LeMay, Thomas, Belantes, Faria, T. Brown, Johal, Oder, Ogbuehi, Byers, Ugwueze, Beltran,
15 Alva, Tann, Carrasquillo, and Smiley, are dismissed, with prejudice, for the failure to state a
16 claim upon which relief may be granted;
- 17 3. Plaintiff's claims against Defendants O'Mar, Green, Bick, Harris, Collins,
18 Strickland, Harmon, Harless, Gilliard, Horch, and Gatr, and the County of Solano, are severed
19 and transferred to the Sacramento Division of the United States District Court for the Eastern
20 District of California; and
- 21 4. The Clerk of the Court is DIRECTED to close this matter.

22
23 IT IS SO ORDERED.

24 Dated: July 27, 2018

/s/ Lawrence J. O'Neill
25 UNITED STATES CHIEF DISTRICT JUDGE