

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

RIOS, et al.,

Defendants.

No. 2:18-cv-03224-TLN-EFB

ORDER

Cymeyon Hill (“Plaintiff”), a state prisoner proceeding pro se, brings this civil rights action pursuant to 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 February 12, 2020, 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. (ECF No. 21.) Plaintiff filed objections to the Findings and Recommendations on March 2, 2020. (ECF No. 22.)

This Court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and decides the motions on the applicable law. See *Orand v. United*

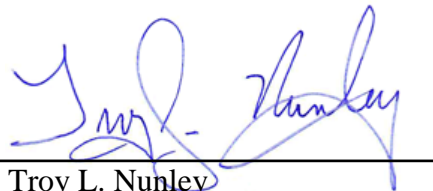
1 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are
2 reviewed de novo. See *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
3 Having carefully reviewed the entire file under the applicable legal standards, the Court finds the
4 Findings and Recommendations to be supported by the record and by the magistrate judge's
5 analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed February 12, 2020 (ECF No. 21), are adopted
8 in full;
- 9 2. Defendants Rios and White are DISMISSED from this action without prejudice; and
- 10 3. This matter is referred back to the assigned magistrate judge to initiate service of
11 process of the Eighth Amendment claim for deliberate indifference to a serious medical need
12 against Defendants Gebheart, Aube, and Curtis pursuant to the Court's E-Service pilot program
13 for civil rights cases for the Eastern District of California.

14 IT IS SO ORDERED.

15 DATED: April 14, 2020

16
17
18 

19 Troy L. Nunley
20 United States District Judge
21
22
23
24
25
26
27
28