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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHAWN DAMON BARTH,

Plaintiff,

v.

ROMERO, et al.,

Defendants.

No. 2:19-CV-0891-JAM-DMC-P

ORDER

Plaintiff, a 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 Eastern District of California local rules.

On October 26, 2021, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 26, 2021, are adopted in full;
2. This action shall proceed on the second amended complaint as against Defendant Mey only on Plaintiff's Eighth Amendment medical care claim based on denial of a breathing treatment in October 2018; and
3. All other claims and defendants are dismissed for failure to state a claim.

Dated: December 20, 2021

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE