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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN JUSTIN BROWNLEE,  
Plaintiff,  
v.  
D. HENRY, et al.,  
Defendants.

No. 2:19-cv-2056 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 April 2, 2020, the magistrate judge filed findings and recommendations herein, 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.<sup>1</sup>

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

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<sup>1</sup> On April 12, 2020, the court received a document from plaintiff titled “objections to findings and recommendations.” In that document, plaintiff objects to the magistrate judge’s April 2, 2020 order concerning e-service, not any findings and recommendations submitted to the undersigned.

1 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law  
2 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
3 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
4 supported by the record and by the proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed April 2, 2020 are adopted in full;
- 7 2. All claims and defendants other than a claim for excessive force arising under the  
8 Eighth Amendment against defendants Siebert, Henry and Woodfill and a claim against defendant  
9 Carlisle for failure to protect from violence, also arising under the Eighth Amendment as detailed  
10 on page 7 of plaintiff’s complaint, are dismissed; and
- 11 3. This matter is referred back to the assigned magistrate judge for all further pretrial  
12 proceedings.

13 DATED: October 15, 2020.

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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