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

MICHAEL DEWAYNE ALLEN,
Plaintiff,
v.
V. GEMMET, et al.,
Defendants.

No. 2:20-cv-00055-TLN-DMC

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 13, 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. (ECF No. 36.) 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 13, 2021, (ECF No. 36) are adopted in full;
2. Defendants Lidge and Saliman are dismissed for failure to state a claim; and
3. This action shall proceed on the first amended complaint as to the following claims and Defendants:
 - a. Plaintiff's claim against Defendant Gemmet related to the pepper spray incident; and
 - b. Plaintiff's claims against Defendants Carter, Jones, Cross, Jinkerson, Callahand, DeLeon, Stinson, Sacay, Roher, and Ybarra related to the cell extraction.

DATED: January 6, 2022



Troy L. Nunley
United States District Judge