1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 EDWARD GOMEZ, No. 2:20-cv-00757-TLN-DMC 12 Plaintiff. 13 **ORDER** v. 14 A. RAMIREZ, et al., 15 Defendants. 16 17 Plaintiff, a prisoner proceeding *pro se*, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District 18 19 of California local rules. 20 On June 6, 2022, the magistrate judge filed findings and recommendations herein which 21 were served on the parties and which contained notice to the parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 34.) No objections to the findings and recommendations have been filed.¹ 23 24 The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the magistrate judge's analysis. 25 26 In the findings and recommendations, the magistrate judge recommends Plaintiff be given an opportunity to amend his First Amended Complaint. (ECF No. 34 at 13.) However, before the 27 Court could act upon the findings and recommendations, Plaintiff prematurely filed his Second 28 Amended Complaint on August 4, 2022. (ECF No. 35.) 1

Accordingly, IT IS HEREBY ORDERED that: 1 2 1. The Findings and Recommendations filed June 6, 2022 (ECF No. 34), are ADOPTED in full; 3 4 2. Defendant's partial Motion to Dismiss (ECF No. 29) is GRANTED; 5 3. The following claims are DISMISSED with leave to amend: 6 a. Plaintiff's claims against Defendant Eldridge; 7 b. Plaintiff's supervisory liability claims against Defendant Yepez; and 8 Plaintiff's claims based on access to the courts. c. 9 4. Plaintiff's Second Amended Complaint (ECF No. 35) is deemed filed as of the date of this Order. 10 DATED: September 21, 2022 11 12 13 Troy L. Nunley United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27

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