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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICKY BOONE,  
Plaintiff,  
v.  
RUBY, et al.,  
Defendants.

No. 2:20-cv-02100 WBS DB 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 18, 2022, 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. (ECF No. 28.) Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 18, 2022 (ECF No. 28), are adopted in full;

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2. Plaintiff's claim against C/O Nakken is dismissed without leave to amend for failure to state a claim; and

3. This case proceeds on plaintiff's first amended complaint with claims under the Eighth Amendment against defendants Vargass, Silva, Ruby, Armstead, and Arbaca.

Dated: September 27, 2022



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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE