UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Michael Clark,

Plaintiff,

v.

Kathleen Allison, et al.,

Defendants.

Case No. 2:22-cv-00190-KJM-JDP (PS)

ORDER

On February 14, 2024, the magistrate judge filed findings and recommendations, which were served on the parties, and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections on February 22, 2024, and they were considered by the undersigned.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed February 14, 2024, are adopted;

2. Defendants' motion to dismiss, ECF No. 13, is granted;

3. Plaintiff's Fourteenth Amendment due process and state law negligence claims are dismissed without leave to amend;

4. This action proceed on plaintiff's Eighth Amendment failure to protect claim; and

5. This action is referred back to the assigned magistrate for all further pretrial proceedings.

DATED: March 27, 2024.

CHIEF UNITED STATES DISTRICT JUDGE