# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 

## DARYL HICKS,

Plaintiff,
v.

PATRICK COVELLO, et al,
Defendants.

No. 2:22-cv-0903-TLN-KJN

## ORDER

Plaintiff, a state prisoner proceeding pro se, 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 December 21, 2023, 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. The time to file objections has passed, and Plaintiff did not file any objections.

The Court 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 December 21, 2023 (ECF No. 19) are ADOPTED IN FULL;
2. This action shall proceed solely as to Plaintiff's Eighth Amendment claims against Defendants Powell and Dr. Pleshchuk;
3. Plaintiff's remaining claims and Defendants Dr. Kim and Costa are DISMISSED without prejudice; and
4. This matter is referred back to the magistrate judge for further proceedings.

Date: February 2, 2024


