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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	KENNETH GODOY,	No. 2:22-cv-01673-DAD-EFB (PC)
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND
14	A. FAVELA, et al.,	RECOMMENDATIONS AND DISMISSING CERTAIN CLAIMS AND DEFENDANTS
15	Defendants.	(Doc. No. 13)
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17	Plaintiff Kenneth Godoy is a state prisoner proceeding pro se and in forma pauperis in	
18	this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United	
19	States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On November 29, 2022, the assigned magistrate judge screened plaintiff's first amended	
21	complaint filed in this action and found that plaintiff had stated potentially cognizable Eighth	
22	Amendment claims against defendants Favela and Weatherwax for excessive use of force, but	
23	that plaintiff had failed to state any other cognizable claims. (Doc. No. 6.) Plaintiff was granted	
24	leave to file an amended complaint or notify the court of his willingness to proceed only on the	
25	claims found to be cognizable in the screening order within thirty (30) days after service of the	
26	screening order. (<i>Id.</i> at 5.) On December 14, 2022, plaintiff notified the court that he was willing	
27	to proceed only on the claims identified by the magistrate judge in the screening order as	
28	cognizable. (Doc. No. 9.)	
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Consequently, on January 5, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action proceed on plaintiff's claims found to be cognizable in the screening order and that all other claims brought by plaintiff in his complaint be dismissed, including all claims brought against defendants Fleshman, Appleberry, and Lozano. (Doc. No. 13.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 1–2.) To date, no objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

- 1. The findings and recommendations issued on January 5, 2023 (Doc. No. 13) are adopted in full;
- 2. This action shall proceed on plaintiff's Eighth Amendment claims against defendants Favela and Weatherwax for excessive use of force;
- 3. All other claims brought by plaintiff in this action and all other named defendants in this action are dismissed;
- 4. The Clerk of the Court is directed to update the docket to reflect the termination of the following defendants from this action: Jared D. Lozano, J. Appleberry, and J. Fleshman; and
- 5. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

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