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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CYMEYON HILL
Plaintiff,
v.
TROTH, et al.,
Defendants.

No. 2:22-CV-1817-TLN-DMC

ORDER

Plaintiff, a civil detainee 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 of California local rules.

On June 13, 2023, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

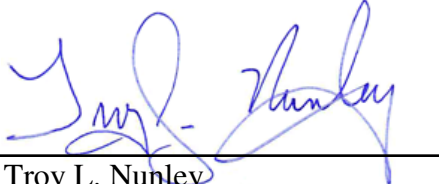
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 13, 2023 (ECF No. 23) are ADOPTED IN FULL;
2. Defendant’s motion to dismiss (ECF No. 17) is GRANTED to the extent the Court agrees that Plaintiff may not proceed on his damages claims against Defendants in their official capacities;
3. Defendant’s motion to dismiss (ECF No. 17) is DENIED as to claims against Defendant Suziki in her individual capacity;
4. Defendant Suziki shall file an answer to Plaintiff’s complaint within 30 days of the date of this order; and
5. The matter is referred back to the assigned Magistrate Judge for further proceedings.

Date: August 4, 2023



Troy L. Nunley
United States District Judge