

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARNELL C. COLLINS,

Plaintiff,

v.

CONALL McCABE, et al.,

Defendants.

1:19-cv-00458-AWI-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(ECF No. 12.)**

**ORDER FOR THIS CASE TO PROCEED
AGAINST DEFENDANTS MCCABE AND
BEREGOUSKAYA ON PLAINTIFF'S
MEDICAL CLAIMS UNDER THE EIGHTH
AMENDMENT, AND DISMISSING ALL
OTHER CLAIMS AND DEFENDANTS FROM
THIS CASE
(ECF No. 26.)**

Larnell C. Collins ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 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 June 15, 2020, the court entered [findings and recommendations](#), recommending that this action proceed only on Plaintiff's cognizable medical claims against defendants McCabe and Beregouskaya, and that all other claims and defendants be dismissed from this action based on Plaintiff's failure to state a claim. (ECF No. 12.) Plaintiff was granted fourteen days in which to file objections to the findings and recommendations. (*Id.*) The fourteen-day time period has

1 expired, and Plaintiff has not filed objections or any other response to the findings and
2 recommendations.

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

6 Accordingly, THE COURT HEREBY ORDERS that:

- 7 1. The findings and recommendations issued by the Magistrate Judge on June 15,
8 2020, are ADOPTED in full;
- 9 2. This action now proceeds only against defendants McCabe and Beregouskaya on
10 Plaintiff's Eighth Amendment medical claims;
- 11 2. All remaining claims and defendants are dismissed from this action;
- 12 3. Plaintiff's claims for violation of due process and equal protection are dismissed
13 from this action based on Plaintiff's failure to state any claims upon which relief
14 may be granted;
- 15 4. Defendant Wang is dismissed from this action based on Plaintiff's failure to state
16 any claims against him upon which relief may be granted; and
- 17 5. This case is referred back to the Magistrate Judge for further proceedings,
18 including initiation of service of process.

19 IT IS SO ORDERED.

20 Dated: August 10, 2020

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22 SENIOR DISTRICT JUDGE
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