UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD GOMEZ,

Plaintiff,

v.

A. RAMIREZ, et al.,

Defendants.

No. 2:20-cv-00757-TLN-DMC

**ORDER**

Plaintiff, a prisoner 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 6, 2022, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 34.) No objections to the findings and recommendations have been filed.[1]

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the magistrate judge's analysis.

[1] In the findings and recommendations, the magistrate judge recommends Plaintiff be given an opportunity to amend his First Amended Complaint. (ECF No. 34 at 13.) However, before the Court could act upon the findings and recommendations, Plaintiff prematurely filed his Second Amended Complaint on August 4, 2022. (ECF No. 35.)



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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed June 6, 2022 (ECF No. 34), are ADOPTED in full;

2. Defendant's partial Motion to Dismiss (ECF No. 29) is GRANTED;

3. The following claims are DISMISSED with leave to amend:

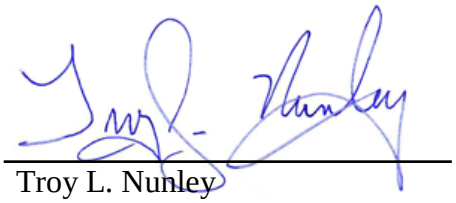
   a. Plaintiff's claims against Defendant Eldridge;

   b. Plaintiff's supervisory liability claims against Defendant Yepez; and

   c. Plaintiff's claims based on access to the courts.

4. Plaintiff's Second Amended Complaint (ECF No. 35) is deemed filed as of the date of this Order.

**DATED: September 21, 2022**



Troy L. Nunley
United States District Judge