IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD GOMEZ,

Plaintiff,

v.

A. RAMIREZ, et al.,

Defendants.

No. 2:20-cv-0757-TLN-DMC

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On May 20, 2024, 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. (ECF No. 43.) The time to file objections has passed, and neither party filed any objections to the findings and recommendations.

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 Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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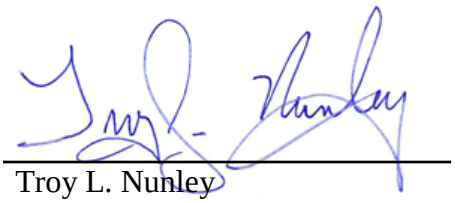
Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations, filed on May 20, 2024 (ECF No. 43), are ADOPTED IN FULL;
2. Defendant Eldridge is DISMISSED with prejudice;
3. Plaintiff's claim of denial of access to the court is DISMISSED with prejudice; and
4. Within thirty (30) days of the electronic filing date of this Order, Defendants Ramirez and Yepez shall file an answer as to the following claims asserted in Plaintiff's Third Amended Complaint (ECF No. 40):
    a. Plaintiff's Eighth Amendment medical deliberate indifference claim against Defendant Ramirez.
    b. Plaintiff's First Amendment retaliation claims against Defendants Ramirez and Yepez.

Date: July 22, 2024



Troy L. Nunley
United States District Judge