UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN McCLINTOCK,

Plaintiff,

v.

G. VALENCIA, et al.,

Defendants.

No. 2:22-cv-01884 KJM CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 2, 2024, the magistrate judge filed findings and recommendations, which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed 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 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

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. . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 21) are adopted in full; and

2. Claims four, eleven, twelve, thirteen, and fourteen, as well as defendants G. McCarthy, J. Austin, Lt. Mercado, Sgt. Mohr, R. Covello, R. Diaz, and K. Allison, are dismissed without prejudice. *See* Local Rule 110; Fed. R. Civ. P. 41(b).

DATED: October 11, 2024.



UNITED STATES DISTRICT JUDGE