UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAMON ROBLES,

Plaintiff,

v.

DANIEL CUEVA, et al.,

Defendants.

No. 2:25-cv-00443-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. No. 16)

Plaintiff Ramon Robles is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This 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 6, 2025, the assigned magistrate judge screened plaintiff's complaint and found that plaintiff failed to state cognizable claims in the following respects: (1) plaintiff failed to state a municipal liability claim because he has not alleged that any constitutional deprivation occurred as a result of a policy or custom of the government unit; (2) plaintiff failed to state a supervisory liability claim as to defendant Cueva because he did not allege a causal link between defendant Cueva's actions and the alleged constitutional violations; (3) plaintiff failed to state a cognizable ADA claim against defendant Agular because he did not allege from what benefit plaintiff was excluded by defendant Agular's actions or how that exclusion was due to plaintiff's disability; and (4) plaintiff failed to state a cognizable First Amendment retaliation claim because he did not

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allege that he engaged in protected conduct. (Doc. No. 11 at 4–8.) The assigned magistrate judge granted plaintiff leave to amend to address the deficiencies identified in that screening order by filing a third amended complaint. (*Id.* at 9.) Plaintiff did not file an amended complaint and the time in which to do so has passed. On August 8, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action proceed on plaintiff's complaint (Doc. No. 1) only with respect to his Eighth Amendment excessive force claims brought against defendants Wedrall, Cummins, Favela, Portee, Torres, Jackson, and Hume and his Eighth Amendment deliberate indifference claim brought against defendant Agular. (Doc. No. 16.)

The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) To date, no parties have filed objections to the pending findings and recommendations and the time in which to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the pending findings and recommendations are supported by the record and proper analysis.

For the reasons above,

1. The findings and recommendations issued on August 8, 2025 (Doc. No. 16) are ADOPTED in full;
2. This action proceeds on the cognizable claims identified in the assigned magistrate judge's findings and recommendations (Doc. No. 16 at 4) only;
3. All other claims and defendants are DISMISSED; and
4. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: **April 24, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE