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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE ANTONIO MARTINEZ,
Plaintiff,
v.
RUBY ENRIQUEZ, et al.,
Defendants.

No. 1:25-cv-00854 JLT SAB (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS
(Doc. 18)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. On October 3, 2025, the Court screened Plaintiff’s first amended complaint and found that Plaintiff stated a cognizable claim for sexual harassment in violation of the Eighth Amendment against Defendant Ruby Enriquez but that his other claims against other defendants were not cognizable as pled. (Doc. 15.) The Court granted Plaintiff leave to file an amended complaint or notify the Court of his intent to proceed only on the deliberate indifference claim. (*Id.*) On October 23, 2025, Plaintiff filed a notice of intent to proceed on the claim found to be cognizable. (Doc. 16.)

On October 24, 2025, the magistrate judge issued Findings and Recommendations recommending that the action proceed only on Plaintiff’s sexual harassment claim against Defendant Enriquez. (Doc. 18.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (*Id.* at 2.) The Court also informed

1 Plaintiff that “the failure to file objections within the specified time may result in the waiver of
2 the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v.*
3 *Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections, and the time in
4 which to do so has passed.

5 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
6 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
7 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 8 1. The Findings and Recommendations dated October 24, 2025 (Doc. 18) are
9 **ADOPTED** in full.
- 10 2. The action shall proceed only on Plaintiff’s sexual harassment claim against
11 Defendant Ruby Enriquez.
- 12 3. All other claims and Defendants are dismissed from the action for failure to state a
13 cognizable claim for relief.
- 14 4. The matter is referred back to the assigned magistrate judge for further
15 proceedings.

16
17 IT IS SO ORDERED.

18 Dated: November 23, 2025


UNITED STATES DISTRICT JUDGE