

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

CASE NO. 1:09-cv-00809-LJO-BAM PC

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF’S MOTION FOR AN  
EVIDENTIARY HEARING AND INJUNCTIVE  
RELIEF

v.

T. QUILLEN, et al.,

Defendants.

(ECF. No.69)

Plaintiff Lamont Shepard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff’s [first amended complaint](#), filed September 16, 2010, against Defendant T. Quillen for excessive force in violation of the Eighth Amendment and J. Wise for retaliation in violation of the First Amendment. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 25, 2012, the Magistrate Judge issued [findings and recommendations](#) recommending that Plaintiff’s motion for an evidentiary hearing and injunctive relief be denied. The parties were given thirty days within which to file objections. The Court has considered Plaintiff’s objections, filed January 31, 2012.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed January 25, 2012, is adopted in full; and
2. Plaintiff’s motion for an evidentiary hearing and injunctive relief is DENIED.

IT IS SO ORDERED.

**Dated: February 1, 2012**

/s/ Lawrence J. O’Neill  
UNITED STATES DISTRICT JUDGE