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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY JOHNSON,

Plaintiff,

v.

L. GONZALEZ, et al.,

Defendants.

CASE NO. 1:09-cv-01264-AWI-SKO PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

ORDER DISMISSING FOURTEENTH AMENDMENT CLAIMS AGAINST DEFENDANTS REED, SUMAYA, AND ADAMS

/ (Doc. 13)

Plaintiff Anthony Johnson (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 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 March 24, 2010, the Magistrate Judge issued a Findings and Recommendations which recommended that this action proceed on Plaintiff’s claims against Defendants Gonzalez and Murrieta for the use of excessive force in violation of the Eighth Amendment and that Plaintiff’s Fourteenth Amendment claims and claims against Defendants Reed, Sumaya, and Adams be dismissed. (Doc. #13.) The Findings and Recommendations were served on Plaintiff and contained notice to Plaintiff that any objections to the Findings and Recommendations were to be filed within thirty (30) days of date on which they were served. Plaintiff has not filed objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court

1 finds the Findings and Recommendations to be supported by the record and by proper analysis.

2 Accordingly, the Court HEREBY ORDERS:

- 3 1. The March 24, 2010 Findings and Recommendations are ADOPTED in full; and
- 4 2. This action proceeds on Plaintiff's complaint filed July 21, 2009 against Defendants
5 Gonzalez and Murrieta for use of excessive force in violation of the Eighth
6 Amendment; and
- 7 2. Plaintiff's Fourteenth Amendment claims and Plaintiff's claims against Defendants
8 Reed, Sumaya, and Adams are DISMISSED for failure to state a claim upon which
9 relief can be granted.

10
11 IT IS SO ORDERED.

12 **Dated: June 14, 2010**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE