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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTOR HUGO MARTINEZ,  
Plaintiff,  
v.  
LAWLESS, et al.,  
Defendants.

1:12-cv-01301-LJO-SKO (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS GRANTING  
DEFENDANTS' PARTIAL MOTION FOR  
SUMMARY JUDGMENT  
  
(Docs. 34, 52.)

Plaintiff, Victor Hugo Martinez, is a state prisoner proceeding *pro se* and *in forma pauperis* with a 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 3, 2016, the magistrate judge filed findings and recommendations which were served on the parties and contained notice that objections were to be filed within fourteen days. Plaintiff filed objections repeating arguments/assertions which were addressed in the findings and recommendations to which Defendants responded.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. the Findings and Recommendations, filed on March 3, 2016 (Doc. 55), is adopted in full;
2. Defendants' motion for partial summary judgment, filed on April 6, 2015 (Doc. 34), is GRANTED;
  - a. Plaintiff's claim of excessive force against Defendants Chamberlin and Molina is DISMISSED;
  - b. Plaintiff's claim for failure-to-protect against Defendants Herrera and Morse is DISMISSED;
  - c. this action proceeds forward only on Plaintiff's claims of excessive force against Defendants Herrera and Morse and for failure-to-protect against Defendants Chamberlin and Molina.
3. the case is referred back to the Magistrate Judge for further pre-trial matters.

IT IS SO ORDERED.

Dated: March 29, 2016

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