

1 carefully reviewed the entire file, including defendant Moore's objections thereto, the court finds
2 the findings and recommendations to be supported by the record and proper legal analysis.

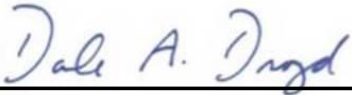
3 Specifically, the court is not persuaded by defendant's characterization in his objections of
4 plaintiff's allegations or careful parsing of the undisputed facts. As the magistrate judge
5 recounted in the findings and recommendations, plaintiff came forward with evidence at summary
6 judgment with evidence establishing a disputed issue of material fact as to defendant's Moore's
7 actions involving the use of force against plaintiff which specifically included evidence of force
8 directed at plaintiff's wrists. (Doc No. 44 at 6) (citing Doc. No. 35 at 5). Likewise, the court
9 rejects defendant's objections based on what he argues was the de minimis nature of plaintiff's
10 injuries. The magistrate judge appropriately focused the inquiry on whether there was a disputed
11 issue of material fact as to whether force was applied in a good-faith effort to maintain or restore
12 discipline, or maliciously and sadistically to cause harm. (Doc No. 44 at 6-7) (citing *Wilkins v.*
13 *Gaddy*, 559 U.S. 34, 37 (2010)).

14 Accordingly,

- 15 1. The findings and recommendations issued by the assigned magistrate judge on
16 December 29, 2015, are ADOPTED IN FULL;
- 17 2. Defendant Moore's motion for summary judgment (Doc. No. 34), filed on June 29,
18 2015, is DENIED; and
- 19 3. This case is referred back to the magistrate judge for further proceedings.

20 IT IS SO ORDERED.

21 Dated: March 8, 2016

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23 _____
24 UNITED STATES DISTRICT JUDGE