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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	DARRYL WALKER,	No. 1:13-cv-02102-DAD-EPG
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND
14	D. MOORE,	RECOMMENDATIONS
15	Defendants.	(Doc. No. 44)
16		ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
17		(Doc. No. 34)
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20	Plaintiff Darryl Walker is a state prisoner proceeding pro se with this civil rights action	
21	brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate	
22	judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
23	On December 29, 2015, the assigned magistrate judge issued findings and	
24	recommendation recommending that defendant Moore's motion for summary judgment be	
25	denied. (Doc. No. 44.) On January 19, 2016, defendant Moore filed objections to those findings	
26	and recommendations. (ECF No. 45.) In accordance with the provisions of 28 U.S.C. § 636	
27	(b)(1)(B) and Local Rule 304, this court has conducted a <i>de novo</i> review of this case. Having	
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carefully reviewed the entire file, including defendant Moore's objections thereto, the court finds the findings and recommendations to be supported by the record and proper legal analysis.

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

Accordingly,

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

IT IS SO ORDERED.

Dated: March 8, 2016

UNITED STATES DISTRICT HIDGE