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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH M. CASSELS,

Plaintiff,

No. CIV S-10-0775 MCE DAD P

vs.

D. LIGGETT, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 September 27, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed September 27, 2011, are adopted in full;


2. Defendants' motion for summary judgment (Doc. No. 46) is granted in part and denied in part as follows:

a. Defendants' motion for summary judgement on plaintiff's excessive use of force claim against defendant Liggett is denied;

b. Defendants' motion for summary judgement on plaintiff's retaliation claim against defendant Mathews is granted; and

c. Defendants' motion for summary judgment based on the affirmative defense of qualified immunity is denied.

Dated: November 18, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE