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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

THOMAS MACKEY,
Plaintiff,
v.
COUNTY OF SAN
BERNARDINO, et al.,
Defendants.

) Case No. ED CV 09-1124-GW (SP)

**ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge. The Court accepts the findings and recommendation of the Magistrate Judge.

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1 IT IS THEREFORE ORDERED that: (1) the defendants' Motion for
2 Summary Judgment is granted in favor of defendants Brickley, Palomino, Dougan,
3 Girard, McCoy, Walker, Alban, and Doe, and these defendants and the claims
4 involving kicking, rough handling, exposure to asphalt, and a cover-up are
5 dismissed; and (2) defendants' Motion for Summary Judgment on the claims of
6 excessive force by defendants Wolfe and Padilla for shooting plaintiff is denied.

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8 DATED: November 9, 2012



HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE

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