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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 WILLIE LEE CARPENTER,

9 Plaintiff

10 v.

11 W.J. SULLIVAN, et al.,

12 Defendants.  
13

CASE No. 1:07-cv-00114-AWI-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS,  
RECOMMENDING DENYING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

(ECF Nos.147 & 191)

14 Plaintiff Willie Lee Carpenter ("Plaintiff"), is a state prisoner proceeding pro se and in  
15 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding  
16 against Defendants Litton, Gonzales, and Pfeil for excessive force in violation of the Eighth  
17 Amendment and against Defendants Barajas, Ortiz, Salazar, and Martinez, for the failure to  
18 protect Plaintiff in violation of the Eighth Amendment. The matter was referred to a United States  
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On October 12, 2011, Defendants filed a motion for summary judgment. (ECF No. 147.)  
21 On June 17, 2013, the Magistrate Judge issued a findings and recommendation recommending  
22 denying Defendants' motion for summary judgment in its entirety. (ECF No. 191.) Neither party  
23 filed any objections to the findings and recommendations.

24 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this  
25 case. Having carefully reviewed the entire file, the Court finds the findings and recommendations  
26 to be supported by the record and by proper analysis.

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Accordingly, it is HEREBY ORDERED that:

1. The Court adopts the findings and recommendations filed on June 17, 2013, in full;
2. This action is shall proceed to trial against Defendants Litton, Gonzales, and Pfeil for excessive force in violation of the Eighth Amendment and against Defendants Barajas, Ortiz, Salazar, and Martinez, for the failure to protect Plaintiff in violation of the Eighth Amendment; and
3. This matter is referred back to the Magistrate for scheduling purposes.

IT IS SO ORDERED.

Dated: October 3, 2013

  
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SENIOR DISTRICT JUDGE