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

LEROY DEWITT HUNTER,

 Plaintiff,

 vs.

YOUNGBLOOD, et al.,

 Defendants.

1:07-cv-00373-LJO-GSA-PC

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 20.)

ORDER FOR THIS ACTION TO PROCEED
ONLY AGAINST DEFENDANT HINOJOSA
FOR EXCESSIVE FORCE UNDER THE DUE
PROCESS CLAUSE, AND DISMISSING ALL
REMAINING CLAIMS AND DEFENDANTS

_____ /

Leroy Dewitt Hunter (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 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 72-302.

On September 3, 2009, findings and recommendations were entered, recommending that this action proceed only against defendant Hinojosa for excessive force under the Due Process Clause, and that all other claims and defendants be dismissed. On September 16, 2009, plaintiff filed a statement of non-opposition to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on September 3, 2009, are adopted in full;
2. This action now proceeds only against defendant Hinojosa for excessive force under the Due Process Clause;
3. All remaining claims and defendants are dismissed from this action;
4. Defendants Kern County Sheriff Donny Youngblood, Officer P. Davis, Deputy Sheriff Sergeant Mann, and District Attorney Edward R. Jagels are dismissed from this action based on Plaintiff's failure to state any claims upon which relief may be granted against them; and
5. Plaintiff's claims for equal protection, supervisory liability, and malicious prosecution are dismissed for failure to state a claim upon which relief may be granted under section 1983; and
6. The Clerk is directed to reflect the dismissal of defendants Kern County Sheriff Donny Youngblood, Officer P. Davis, Deputy Sheriff Sergeant Mann, and District Attorney Edward R. Jagels from this action on the court's docket.

IT IS SO ORDERED.

Dated: October 1, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE