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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SID LANDAU,

Plaintiff,

v.

W. T. VOSS, et al.,

Defendants.

1:07-CV-00815-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
IN PART AND DENYING IN PART
DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT

(DOCS. [48](#), [72](#))

_____ /

Plaintiff Sid Landau is a civil detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint, filed June 4, 2007, against Defendants Weinstein, Bresler, Kaur, Winchel, Forrest, and Adcock. 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 July 14, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which recommended Defendants’ motion for summary judgment be denied in part and granted in part. The Findings and Recommendations were served on the parties and contained notice to the parties that any objection to the Findings and Recommendations was to be filed within thirty days. Neither party filed a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), 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 by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The [Findings and Recommendations](#), filed July 14, 2010, is adopted in full;
- 3 2. Defendants' [motion for summary judgment](#), filed September 18, 2009, is GRANTED
- 4 and judgment is entered in favor of Defendants Weinstein, Bresler, and Kaur for the
- 5 failure to protect claim, and in favor of Defendants Winchell, Kaur, Adcock, and
- 6 Forrest for the retaliation claim;
- 7 3. Defendants' motion is DENIED for the excessive force claim against Defendants
- 8 Adcock and Forrest; and
- 9 4. This action is REFERRED to the Magistrate Judge for further scheduling and
- 10 proceedings.

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12 IT IS SO ORDERED.

13 Dated: August 24, 2010

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CHIEF UNITED STATES DISTRICT JUDGE