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

JOHN THOMAS,

1:07-cv-01165-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
(Doc. 20)

vs.

CALIFORNIA DEPARTMENT  
OF CORRECTIONS AND  
REHABILITATION, et al.,

ORDER FOR THIS ACTION TO PROCEED  
ONLY AGAINST DEFENDANT SERGEANT  
R. COX ON PLAINTIFF'S CLAIM FOR  
EXCESSIVE FORCE, AND DISMISSING ALL  
OTHER CLAIMS AND DEFENDANTS

Defendants.

ORDER DIRECTING CLERK TO REFLECT  
DISMISSAL OF CERTAIN DEFENDANTS  
ON COURT'S DOCKET

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John Thomas ("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 August 18, 2009, findings and recommendations were entered, recommending that this action proceed only against defendant Sergeant R. Cox on plaintiff's claim for excessive force under the Eighth Amendment, and all other claims and defendants be dismissed. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

1                   In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-  
2 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and proper  
4 analysis.

5                   Accordingly, THE COURT HEREBY ORDERS that:

6                   1. The Findings and Recommendations issued by the Magistrate Judge on August 18,  
7 2009, are adopted in full;

8                   2. This action now proceeds only against defendant Sergeant R. Cox, for excessive  
9 force under the Eighth Amendment;

10                  3. All remaining claims and defendants are dismissed from this action; and

11                  4. Defendants California Department of Corrections and Rehabilitation ("CDCR"),  
12 Carrillo (Correctional Officer), A. Hedgpeth (Warden), S. L. Kays (Assistant Warden), J.D. Soto  
13 (Captain), Donald Schroeder (Lieutenant), S. Simpson (Lieutenant), L. Garcia (Medical Technical  
14 Assistant), and A. Diza-Albarran (Correctional Officer) are dismissed from this action based on  
15 Plaintiff's failure to state any claims upon which relief may be granted against them; and

16                  5. The Clerk is directed to reflect dismissal of defendants CDCR, Carrillo, Hedgpeth  
17 Kays , Soto, Schroeder, Simpson, Garcia, and Diza-Albarran from this action on the court's docket.

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19 IT IS SO ORDERED.

20 **Dated: October 16, 2009**

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE

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