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

BRIAN JONES,
Plaintiff,
vs.
D. HUCKABAY, et al.,
Defendants.

1:08-cv-00421-AWI-GSA-PC
ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 9.)
ORDER FOR THIS ACTION TO PROCEED
ONLY AGAINST DEFENDANTS
HUCKABAY, DIAZ, SOARES, AND
DUTCHER, FOR EXCESSIVE FORCE, AND
DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS

Brian Jones (“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 June 22, 2009, [findings and recommendations](#) were entered, recommending that this action proceed only against defendants Sergeant D. Huckabay, C/O J. Diaz, C/O P. Soares, and C/O L. Dutcher; for excessive force in violation of the Eighth Amendment, and that all remaining claims and defendants be dismissed from this action. 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.

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

1 file, the court finds the findings and recommendations to be supported by the record and proper
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The Findings and Recommendations issued by the Magistrate Judge on June
5 22, 2009, are adopted in full;
- 6 2. This action now proceeds only against defendants Sergeant D. Huckabay, C/O
7 J. Diaz, C/O P. Soares, and C/O L. Dutcher; for excessive force in violation of
8 the Eighth Amendment;
- 9 3. All remaining claims and defendants are dismissed from this action;
- 10 4. Defendant C/O R. Hasseltine is dismissed from this action based on plaintiff's
11 failure to state any claims upon which relief may be granted against him;
- 12 5. Plaintiff's claim for failure to protect his personal safety in violation of the
13 Eighth Amendment is dismissed based on plaintiff's failure to state a claim
14 upon which relief may be granted under section 1983;
- 15 6. The Clerk of Court is directed to reflect the dismissal of defendant Hasseltine
16 from this action on the Court's docket; and
- 17 7. This action is referred to the Magistrate Judge for further proceedings.

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19 IT IS SO ORDERED.

20 **Dated: August 18, 2009**

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

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