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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JACQUES FEARANCE,

12 Plaintiff,

13 v.

14 S. HOPKINS, et al.,

15 Defendants.
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Case No. 1:08-cv-00615-LJO-SAB-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No.100)

ORDER GRANTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT

17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C.
18 § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §
19 636(1)(B) and Local Rule 302.

20 On August 13, 2015, [findings and recommendations](#) were entered, recommending that
21 Defendants' motion for partial summary judgment be granted. Plaintiff was provided an
22 opportunity to file objections within thirty days. On September 17, 2015, Plaintiff filed
23 [objections](#) to the findings and recommendations.

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

27 Accordingly, THE COURT HEREBY ORDERS that:
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1. The findings and recommendations issued by the Magistrate Judge on August 13, 2015, are adopted in full;

2. Plaintiff’s excessive force claim against Defendant Busby is dismissed;

3. Plaintiff’s conspiracy claim against all five Defendants is dismissed;

4. Plaintiff’s failure to protect claim against Defendants Hopkins, Davis, Duffy and Beckett relating to Busby’s use of pepper spray is dismissed; and

5. This action proceeds against Defendant Hopkins for use of excessive force and against Defendants Beckett, Davis and Duffy for failure to protect Plaintiff from Defendant Hopkins’ use of force.

IT IS SO ORDERED.

Dated: September 30, 2015

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