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

EUGENE HAMILTON,

1:08-cv-01967-OWW-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 15.)

vs.

LARA, et al.,

ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST DEFENDANTS
GURRERO AND ARENIVAS, ON
PLAINTIFF'S EIGHTH AMENDMENT
EXCESSIVE FORCE CLAIMS, AND
DISMISSING ALL OTHER CLAIMS AND
DEFENDANTS

Defendants.

_____ /

Eugene Hamilton (“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 302.

On June 23, 2010, findings and recommendations were entered, recommending that this action proceed only against defendants Gurrero and Arenivas on plaintiff's Eighth Amendment excessive force claims, and that all other claims and defendants be dismissed based on plaintiff's failure to state a claim. (Doc. 15.) 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 304,
2 this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on June
6 23, 2010, are adopted in full;
- 7 2. This action now proceeds only against defendants Gurrero and Arenivas, on
8 plaintiff's Eighth Amendment excessive force claims;
- 9 3. All remaining claims and defendants are dismissed from this action;
- 10 4. Defendants Lara, Cohen, Braswell, Hicinbothom, Cano, Quinones, Junious,
11 Moon, Garnett, Wang, Labelle, Minn, Jalisman, McGuinness, Hall, Grannis,
12 Chrones, Adams, Tipton, Wilkins, Schutt, Schape, Doering, and Does 1-10
13 are dismissed from this action based on plaintiff's failure to state any claims
14 upon which relief may be granted against them;
- 15 5. Plaintiff's claims for retaliation, due process, inadequate medical care, appeals
16 process violations, equal protection, all acts occurring at Lancaster State
17 Prison, claims for injunctive relief, and deprivation of yard time, showers,
18 meals, and access to medications are dismissed based on plaintiff's failure to
19 state a claim upon which relief may be granted under section 1983; and
- 20 6. The Clerk is directed to reflect the dismissal of defendants Lara, Cohen,
21 Braswell, Hicinbothom, Cano, Quinones, Junious, Moon, Garnett, Wang,
22 Labelle, Minn, Jalisman, McGuinness, Hall, Grannis, Chrones, Adams,
23 Tipton, Wilkins, Schutt, Schape, and Doering on the court's docket.

24 IT IS SO ORDERED.

25 **Dated: August 6, 2010**

26 **/s/ Oliver W. Wanger**
27 **UNITED STATES DISTRICT JUDGE**