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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
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8 WILLIAM SUTHERLAND,

9 Plaintiff,

10 vs.

11 JAMES YATES, et al.,

12 Defendants.
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Case No. 1:09 cv 02152 LJO GSA PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 90)

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17 Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42
18 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28
19 U.S.C. § 636(b)(1).
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21 On January 15, 2014, [findings and recommendations](#) were entered, recommending that
22 Defendants' motion for summary judgment be granted in part and denied in part. The parties
23 were provided an opportunity to file objections within thirty days. On February 13, 2014,
24 Defendants filed [objections](#) to the findings and recommendations.
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26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
27 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
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1 Court finds the findings and recommendations to be supported by the record and proper analysis.

2 Accordingly, THE COURT HEREBY ORDERS that:

3 1. The findings and recommendations issued by the Magistrate Judge on January 15,
4 2014, are adopted in full;

5 2. This Defendants' motion for summary judgment is granted as to Defendant Yates.

6 3. Defendants' motion for summary judgment is denied as to Plaintiff's Eighth
7 Amendment claims and state law claims against Defendants Jericoff and Fernando.

8 4. The Court declines to exercise supplemental jurisdiction over Plaintiff's state law
9 claim of negligent hiring.

10 5. This action is referred to the Magistrate Judge for further pretrial proceedings.

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14 IT IS SO ORDERED.

15 Dated: February 19, 2014

16 /s/ Lawrence J. O'Neill

17 UNITED STATES DISTRICT JUDGE