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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE K. COLBERT,  
Plaintiff,  
v.  
P. CHAVEZ, et al.,  
Defendants.

No. 1:10-cv-00250-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS GRANTING IN  
PART AND DENYING IN PART  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT

(Doc. Nos. 52, 79)

Plaintiff George K. Colbert is appearing pro se and *in forma pauperis* in this civil rights action filed under 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 February 1, 2016, the assigned magistrate judge filed findings and recommendations recommending that defendants' motion for summary judgment (Doc. No. 52) be granted in part and denied in part. Those findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within thirty days. No objections were filed by either party.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper legal analysis.

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Accordingly,

1. The findings and recommendations (Doc. No. 79), filed on February 1, 2016, are ADOPTED IN FULL in full; and
2. Defendants' motion for summary judgment (Doc. No. 52) is GRANTED in part and DENIED in part as follows:

- a. The Eighth Amendment claim against defendant Farnsworth is DISMISSED for failure to exhaust administrative remedies;
- b. The Eight Amendment claim against defendant Emard for use of excessive force by pushing plaintiff on the stairs on September 6, 2008 is DISMISSED for failure to exhaust administrative remedies;
- c. The motion for summary adjudication of the excessive force and retaliation claims against defendants Ramirez and Flores and failure to protect claim against defendant Farnsworth for failure to exhaust administrative remedies is DENIED;
- d. Defendants' motion for summary adjudication of the excessive force and failure to protect claims is DENIED; and
- e. Defendants' motion for summary adjudication of the retaliation claim is DENIED.

IT IS SO ORDERED.

Dated: March 9, 2016

  
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UNITED STATES DISTRICT JUDGE