

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GREGORY MCCLELLAN,  
  
Plaintiff,  
  
v.  
  
KERN COUNTY SHERIFF'S OFFICE,  
et al.,  
  
Defendant.

Case No. 1:10-cv-0386-LJO-MJS (PC)  
  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DENY  
PLAINTIFF'S MOTION TO AMEND THE  
PLEADINGS**  
  
**(ECF No. 100)**

Plaintiff is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's excessive force claim against Defendants Lozano, Wood, and Perkins, all of whom have appeared in the action. (ECF Nos. 23, 71, & 73.) 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 July 14, 2015, the Magistrate Judge issued findings and recommendations (ECF No. 100) to deny Plaintiff's motion to amend the pleadings to include a medical indifference claim. (ECF No. 88). Plaintiff filed objections on July 29, 2015. (ECF No. 108.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304,  
2 the Court has conducted a *de novo* review of this case. Having carefully reviewed the  
3 entire file, the Court finds that the July 14, 2015 findings and recommendations are  
4 supported by the record and by proper analysis.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The Court adopts the findings and recommendations (ECF No. 100), filed July  
7 14, 2015, in full; and  
8 2. Plaintiff's motion to amend the pleadings (ECF No. 88), filed June 8, 2015, is  
9 DENIED.  
10

11 IT IS SO ORDERED.

12 Dated: August 13, 2015

/s/ Lawrence J. O'Neill  
13 UNITED STATES DISTRICT JUDGE  
14

15 3.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28