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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

TONY HERNANDEZ,) Case No.: 1:10-cv-01064-LJO-SAB (PC)
)
Plaintiff,)
)
v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, GRANTING SUMMARY
A. MARTINEZ,) JUDGMENT IN FAVOR OF DEFENDANT ON
) PLAINTIFF’S MARCH 12, 2010 CLAIM OF
Defendant.) EXCESSIVE FORCE
) [ECF Nos. 50, 58]
)

Plaintiff Tony Hernandez is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 4, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that objections to the Findings and Recommendations were to be filed within thirty days. Plaintiff filed objections on September 23, 2015.

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, including Plaintiff’s objections, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on September 4, 2015, is adopted in full;
2. Defendant's motion for summary judgment is GRANTED, judgment shall be entered in favor of Defendant on Plaintiff's excessive force claim arising on March 12, 2010, and this action shall proceed on Plaintiff's separate claim of excessive force arising on May 3, 2011; and
3. Within thirty (30) days from the date of service of this order, Defendants shall file a response to Plaintiff's pending motion for summary judgment, filed April 22, 2015 (ECF No. 49.)

IT IS SO ORDERED.

Dated: October 22, 2015

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