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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 AND DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
A. MARTINEZ,)	
Defendant.)	
)	
)	
)	

Plaintiff Tony Hernandez is appearing pro se and in forma pauperis 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 April 11, 2016 the Magistrate Judge filed a Findings and Recommendations recommending denial of Defendant Martinez’s motion for summary judgment. The Findings and Recommendations were served on the parties and contained notice that objections to the Findings and Recommendations were to be filed within thirty days. The thirty day time frame has expired and no objections were filed.

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 analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on April 11, 2016, are adopted in full;
2. Defendant Martinez’s motion for summary judgment is DENIED; and
3. The Court will issue a separate scheduling order setting this case for trial before the undersigned on Plaintiff’s excessive force claim against Defendant Martinez.

IT IS SO ORDERED.

Dated: May 25, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE