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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BRADLEY,  
Plaintiff,  
vs.  
VILLA, et al.,  
Defendants.

1:10-cv-01618-LJO-GSA-PC  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 48.)  
ORDER FOR THIS ACTION TO  
PROCEED ONLY AGAINST  
DEFENDANT C/O L. VILLA FOR USE  
OF EXCESSIVE FORCE IN  
VIOLATION OF THE EIGHTH  
AMENDMENT, AND DISMISSING  
ALL OTHER CLAIMS AND  
DEFENDANTS  
THIRTY DAY DEADLINE FOR  
DEFENDANT VILLA TO FILE  
ANSWER

William Bradley (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on September 8, 2010. (Doc. 1.) This case now proceeds on the Third Amended Complaint filed by Plaintiff on September 14, 2012. (Doc. 19.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 On June 25, 2014, the Court entered Findings and Recommendations, recommending  
2 that this action proceed only against defendant Correctional Officer (“C/O”) L. Villa<sup>1</sup> for use of  
3 excessive force in violation of the Eighth Amendment, and that all other claims and defendants  
4 be dismissed from this action based on Plaintiff’s failure to state a claim. (Doc. 48.) Plaintiff  
5 was provided an opportunity to file objections to the findings and recommendations within  
6 thirty days. On June 30, 2014, Plaintiff filed a notice in support of the findings and  
7 recommendations. (Doc. 49.)

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
9 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
10 the Court finds the findings and recommendations to be supported by the record and proper  
11 analysis.

### 12 **III. CONCLUSION**

13 Accordingly, THE COURT HEREBY ORDERS that:

- 14 1. The Findings and Recommendations issued by the Magistrate Judge on June 25,  
15 2014, are ADOPTED in full;
- 16 2. This action now proceeds on Plaintiff's Third Amended Complaint, filed on  
17 September 14, 2012, against defendant C/O L. Villa for use of excessive force in  
18 violation of the Eighth Amendment;
- 19 3. All remaining claims and defendants are DISMISSED from this action;
- 20 4. Defendants Henderson, Hightower, and Wood are DISMISSED from this action  
21 based on Plaintiff's failure to state any claims upon which relief may be granted  
22 against them;
- 23 5. Plaintiff’s claim for failure to protect him is DISMISSED from this action,  
24 based on Plaintiff’s failure to state a claim upon which relief may be granted  
25 under § 1983;

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26  
27 <sup>1</sup> The findings and recommendations refer to defendant “J. Villa.” (Doc. 48 at 1:22.) In some of his  
28 complaints, Plaintiff refers to the defendant interchangeably as “J. Villa” and “L. Villa;” however, Plaintiff refers  
to defendant as “L. Villa” throughout the Third Amended Complaint, and it appears from the record that  
defendant’s name is “L. Villa,” not “J. Villa.”

