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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 KEVIN E. FIELDS,

11 Plaintiff,

12 vs.

13 P. PATTERSON, et al.,

14 Defendants.
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1:10-cv-01700-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 63.)

ORDER GRANTING DEFENDANT
PATTERSON'S MOTION FOR PARTIAL
SUMMARY JUDGMENT FOR FAILURE
TO EXHAUST
(ECF No. 35.)

ORDER DISMISSING CLAIM AGAINST
DEFENDANT PATTERSON FOR
SLAMMING PLAINTIFF INTO A "BAR
BOX," WITH PREJUDICE

20 Kevin E. Fields ("Plaintiff") is a state prisoner proceeding pro se in this civil rights
21 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
22 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23 On June 19, 2015, findings and recommendations were entered, recommending that
24 defendant Patterson's motion for partial summary judgment for failure to exhaust be granted.
25 (ECF No. 63.) The parties were allowed thirty days in which to file objections to the findings
26 and recommendations. To date, no objections have been filed.

27 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
28 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,

1 the Court finds the findings and recommendations to be supported by the record and proper
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The Findings and Recommendations issued by the Magistrate Judge on June 19,
5 2015 are ADOPTED IN FULL; and
- 6 2. Defendant Patterson’s motion for partial summary judgment for failure to
7 exhaust, filed on September 10, 2014, is GRANTED;
- 8 3. Plaintiff’s claim against defendant Patterson for slamming Plaintiff into a “bar
9 box,” is dismissed with prejudice, for Plaintiff’s failure to exhaust administrative
10 remedies before filing suit;
- 11 4. This case now proceeds only on Plaintiff’s claim for use of excessive force
12 against defendant Patterson for applying Plaintiff’s handcuff too tight; and
- 13 5. This case is referred back to the Magistrate Judge for further proceedings.

14 IT IS SO ORDERED.

15 Dated: August 1, 2015

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