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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 WILLIE PAUL VIGIL,

12 Plaintiff,

13 v.

14 JAMES YATES, et al.,

15 Defendants.
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Case No. 1:10-cv-01977-LJO-SAB-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No.35)

ORDER THAT THIS ACTION PROCEED
ON THE THIRD AMENDED COMPLAINT
AGAINST DEFENDANT VALENCIA FOR
EXCESSIVE FORCE

ORDER DISMISSING REMAINING
CLAIMS AND DEFENDANTS

19 Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C.
20 § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §
21 636(1)(B) and Local Rule 302.

22 On March 18, 2016, [findings and recommendations](#) were entered, recommending that this
23 action proceed on the third amended complaint against Defendant Valencia on Plaintiff's claim
24 of excessive force, and that the remaining claims and Defendants be dismissed. Plaintiff was
25 provided an opportunity to file objections within thirty days. Plaintiff has not filed objections to
26 the findings and recommendations.

27 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
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1 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
2 Court finds the record to be supported by the record and proper analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

4 1. The findings and recommendations issued by the Magistrate Judge on March 18,
5 2016, are adopted in full;

6 2. This action proceeds on the third amended complaint against Defendant C/O
7 Valencia on Plaintiff's claim of excessive force.

8 3. Defendants Yates, Diez, Espino, King, O'Brien, Howard, Solo, Das, and Brown
9 are dismissed for Plaintiff's failure to state a claim against them;

10 4. Plaintiff's medical care claim is dismissed for failure to state a claim; and

11 5. This action is referred to the Magistrate Judge for service of process of the third
12 amended complaint.

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14 IT IS SO ORDERED.

15 Dated: April 26, 2016

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

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