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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,
Plaintiff,
v.

CASE NO. 1:10-cv-02139-AWI-DLB PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

MAURICE JUNIOUS, et al.,
Defendants.

ECF No. 43

_____ /

Plaintiff Krzysztof F. Wolinski (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On December 2, 2011, Plaintiff filed his second amended [complaint](#). ECF No. 44. 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 May 10, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on Plaintiff and which contained notice to Plaintiff that any objection to the Findings and Recommendations was to be filed within fourteen days. After receiving an extension of time, Plaintiff filed an [Objection](#) to the Findings and Recommendations on June 20, 2012. ECF No. 50.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this 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.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed May 10, 2012, is adopted in full;
- 3 2. This action proceeds against Defendants S. Boardman and T. Swaim for excessive
- 4 force in violation of the Eighth Amendment, and against Defendant W. A. Rivera for
- 5 violation of the Due Process Clause of the Fourteenth Amendment; and
- 6 3. Defendants Maurice Junious, Steve Trevino, T. Norton, S. T. Ojeda, S. Stockton, R.
- 7 Brewster, J. Badilla, I. Quintero, A. May, Sr., E. Flores, and M. Carrillo are
- 8 dismissed from this action with prejudice for failure to state a claim upon which
- 9 relief may be granted under 42 U.S.C. § 1983.

10 IT IS SO ORDERED.

11 Dated: October 26, 2012

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CHIEF UNITED STATES DISTRICT JUDGE