

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CURTIS RENEE JACKSON,
Plaintiff,
v.
Y. A. YATES, et al.,
Defendants.) Case No.: 1:11-cv-00080-LJO-BAM (PC)
)
) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS REGARDING
) DEFENDANTS' MOTION FOR SUMMARY
) JUDGMENT
)
) (ECF Nos. 129, 138)
)
)

Plaintiff Curtis Renee Jackson (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 18, 2011. Defendants Mendez, Daley, Gonzales, Nichols, Samonte and Valdez filed a motion for summary judgment on July 24, 2014.

On November 25, 2014, the Magistrate Judge issued Findings and Recommendations that Defendants' motion for summary judgment be granted in part and denied in part. Specifically, the Magistrate Judge recommended that Defendants' motion for summary judgment be granted as to Plaintiff's allegations that Defendant Mendez used excessive force in violation of the Eighth Amendment to handcuff Plaintiff behind his back despite a waist chain chrono; Defendants' motion for summary judgment be denied as to Plaintiff's allegations that Defendant Mendez used excessive force in violation of the Eighth Amendment by dumping Plaintiff from his wheelchair and dragging

1 him on the concrete floor; and Defendants' motion for summary judgment be denied as to Plaintiff's
2 allegations that Defendants Samonte, Daley, Nichols, Gonzales and Valdez violated his Eighth
3 Amendment rights by failing to intervene in the alleged use of excessive force by Defendant Mendez.
4 The Findings and Recommendations were served on the parties and contained notice than any
5 objections were to be filed within thirty days. More than thirty days have passed and no objections
6 have been filed.

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

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Findings and Recommendations issued on November 25, 2014, are adopted in full;
12 2. Defendants' motion for summary judgment, filed on July 24, 2014, is GRANTED IN
13 PART and DENIED IN PART as follows:

14 a. Defendants' motion for summary judgment is granted as to Plaintiff's
15 allegations that Defendant Mendez used excessive force in violation of the Eighth Amendment
16 to handcuff Plaintiff behind his back despite a waist chain chrono;

17 b. Defendants' motion for summary judgment is denied as to Plaintiff's allegations
18 that Defendant Mendez used excessive force in violation of the Eighth Amendment by
19 dumping Plaintiff from his wheelchair and dragging him on the concrete floor;

20 c. Defendants' motion for summary judgment is denied as to Plaintiff's allegations
21 that Defendants Samonte, Daley, Nichols, Gonzales and Valdez violated his Eighth
22 Amendment rights by failing to intervene in the alleged use of excessive force by Defendant
23 Mendez; and

24 3. This matter is referred back to the Magistrate Judge for further proceedings consistent
25 with this order.

26 IT IS SO ORDERED.

27 Dated: January 9, 2015

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

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