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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 BRIAN ESPRITT,

11 Plaintiff,

12 vs.

13 A. SAESEE, et al.,

14 Defendants.
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1:11-cv-00519-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 23.)

ORDER DENYING PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTIVE
RELIEF
(Doc. 21.)

17 Brian Espritt ("Plaintiff") a civil detainee at Atascadero State Hospital in Atascadero,
18 California, is proceeding pro se and in forma pauperis with this civil rights action pursuant to
19 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28
20 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On April 30, 2013, Findings and Recommendations were filed that recommended
22 dismissal of certain claims and defendants. (Doc. 30.) Plaintiff was provided an opportunity to
23 file objections to the findings and recommendations within thirty days. Plaintiff filed no
24 objection or response of any kind.

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

1 Accordingly, THE COURT HEREBY ORDERS that:

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- 3 1. The Findings and Recommendations issued by the Magistrate Judge on April 30,
- 4 2013, are ADOPTED IN FULL;
- 5 2. This action shall proceed only against defendants Saesee, Hill, Torres, Davis,
- 6 Lopez, Ballesteros, and Magallon for use of excessive force in violation of the
- 7 Eighth Amendment; and
- 8 3. All remaining claims and defendants are dismissed from this action;
- 9 a. Plaintiff's claim for loss of property, ADA claim, medical claim, claim
- 10 for denial of access to courts, and claims for declaratory relief and
- 11 attorney's fees are dismissed from this action based on Plaintiff's failure
- 12 to state a claim; and
- 13 b. Defendants Velazquez, Furlong, and Goss are dismissed from this action
- 14 based on Plaintiff's failure to state any claims upon which relief may be
- 15 granted against them.

16 IT IS SO ORDERED.

17 Dated: June 19, 2013

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19 SENIOR DISTRICT JUDGE