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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NICOLAS MORAN,
Plaintiff,
v.
K. DUTRA, et al.,
Defendants.

Case No. 1:11-cv-00914-LJO-MJS (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO:
GRANT DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AGAINST
DEFENDANT HOGGARD AND DENY IT
AGAINST DEFENDANTS DUTRA AND
BROCKMEYER
(ECF NO. 82)
CASE TO REMAIN OPEN

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 28 U.S.C. § 1983. (ECF Nos. 1 & 11.) The action proceeds against Defendants Ryan (Hoggard) and Dedee (Onwubuya) on Plaintiff's Eighth Amendment inadequate medical care claim and against Defendants Dutra and Auten (Brockmeyer) on Plaintiff's Eighth Amendment excessive force claim. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On February 17, 2015, the Magistrate Judge issued Findings and a

1 Recommendation to grant Defendants' motion for summary judgment against
2 Defendant Hoggard and deny it against Defendants Dutra and Brockmeyer. (ECF No.
3 82.) Plaintiff filed objections to the Findings and Recommendation. (ECF No. 98.)
4 Defendants filed a response. (ECF No. 103.)

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

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The Court adopts the Findings and Recommendation (ECF No. 97) filed
11 on February 17, 2015 in full;
- 12 2. Defendants' motion for summary judgment (ECF Nos. 82.) filed on August
13 14, 2014 is GRANTED as to Defendant Hoggard and DENIED as to
14 Defendants Dutra and Brockmeyer;
- 15 3. The case shall remain open for further proceedings on Plaintiff's remaining
16 Eighth Amendment inadequate medical care claim against Defendant
17 Onwubuya and on Plaintiff's Eighth Amendment excessive force claim
18 against Defendants Dutra and Brockmeyer.

19
20 IT IS SO ORDERED.

21 Dated: March 18, 2015

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