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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS MORAN,

1:11-cv-914-LJO-MJS (PC)

Plaintiff,

ORDER VACATING ORDER ADOPTING  
FINDINGS AND RECOMMENDATIONS,  
RE-ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

v.

K. DUTRA, et al.,

Defendants.

(ECF Nos. 12, 13, & 15)

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Plaintiff Nicholas Moran (“Plaintiff”) is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. 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 September 21, 2012, the Magistrate Judge filed a Findings and Recommendations, recommending dismissal of certain of Plaintiff’s claims and Defendants. (ECF No. 12.) The Court adopted the Findings and Recommendations before the time for objections had run. (ECF No. 13.) Plaintiff filed objections on October 18, 2012. (ECF No. 15.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Court’s October 10, 2012 order adopting the Findings and Recommendations, filed September 21, 2012 (ECF No. 13) is VACATED;
2. The Findings and Recommendations, filed September 21, 2012, are adopted in full;
3. Plaintiff be allowed to proceed on his Eighth Amendment inadequate medical care claim against Defendants Ryan and Dedee;
4. Plaintiff be allowed to proceed on his Eighth Amendment excessive force claim against Defendants Dutra and Auten;
5. Plaintiff’s claims against Defendants John Does # 1-20 be dismissed; and
6. Defendants John Does #1-20 be dismissed from this action.

IT IS SO ORDERED.

**Dated: February 27, 2013      /s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE