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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERTO M. GARCIA, JR.,

Plaintiff,

vs.

MATTHEW M. JUAREZ, JR.,

Defendant.

1:12-cv-00750-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 18.)

ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST
DEFENDANT JUAREZ FOR USE OF
EXCESSIVE FORCE, AND
DISMISSING ALL OTHER CLAIMS

Roberto M. Garcia, Jr. ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on May 8, 2012. (Doc. 1.) This case now proceeds on Plaintiff's First Amended Complaint filed on June 14, 2013. (Doc. 11.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 28, 2014, the Court entered [Findings and Recommendations](#), recommending that this action proceed only against defendant Matthew M. Juarez, Jr., for use of excessive force in violation of the Eighth Amendment, and that all other claims be dismissed from this action based on Plaintiff's failure to state a claim. (Doc. 18.) Plaintiff was provided an opportunity to file objections to the Findings and Recommendations within thirty days. To

1 date, Plaintiff has not filed objections or otherwise responded to the Findings and
2 Recommendations.

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

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on March
9 28, 2014, are ADOPTED in full;
- 10 2. This action now proceeds on Plaintiff's First Amended Complaint, filed on June
11 14, 2013, against defendant Matthew M. Juarez, Jr., for use of excessive force in
12 violation of the Eighth Amendment;
- 13 3. All remaining claims are DISMISSED from this action;
- 14 4. Plaintiff's equal protection claim is DISMISSED from this action for failure to
15 state a claim; and
- 16 5. This case is REFERRED back to the Magistrate Judge for further proceedings,
17 including initiation of service of process.

18 IT IS SO ORDERED.

19 Dated: May 9, 2014

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22 SENIOR DISTRICT JUDGE
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