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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DAVID SAFIDI CAUTHEN, JR.,  
  
                                Plaintiff,  
  
                                v.  
  
RIVERA et al.,  
  
                                Defendants.

Case No. 1:12-cv-01747 LJO DLB (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANTS’ MOTION FOR PARTIAL  
SUMMARY JUDGMENT  
  
(Document 67)

Plaintiff David Safidi Cauthen, Jr. (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 26, 2012.

On November 13, 2014, Defendants filed a motion for partial summary judgment. 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 May 4, 2015, the Magistrate Judge issued [Findings and Recommendations](#) to grant Defendants’ motion. The Findings and Recommendations were served on the parties and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days. Neither party has filed objections.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed May 4, 2015, are ADOPTED in full;
2. Defendants' motion for partial summary judgment (Document 62) is GRANTED;
3. Defendants Waddle and Mackey are entitled to summary judgment on all claims against them and JUDGMENT SHALL BE ENTERED in their favor; and
4. This action SHALL PROCEED on Plaintiff's excessive force claim against Defendants Rivera, Northcutt, Negrete, Arreola and King.

IT IS SO ORDERED.

Dated: June 17, 2015

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