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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 JOHNATHAN HILL,
9 Plaintiff,

10 vs.

11 J. CLARK, et al.,
12 Defendants.
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1:13-cv-00386-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 16.)

ORDER FOR THIS ACTION TO
PROCEED ONLY AGAINST
DEFENDANTS CLARK AND RIVAS
ON PLAINTIFF'S EIGHTH
AMENDMENT CLAIMS

ORDER DISMISSING ALL OTHER
CLAIMS AND DEFENDANTS

ORDER REFERRING CASE BACK TO
MAGISTRATE JUDGE FOR FURTHER
PROCEEDINGS

18 Jonathan Hill ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action
19 filed pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff's original Complaint
20 filed on March 18, 2013. (Doc. 1.) The matter was referred to a United States Magistrate
21 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On December 11, 2013, the Court entered [Findings and Recommendations](#),
23 recommending that this action proceed only against defendants Clark and Rivas on Plaintiff's
24 Eighth Amendment claims, and that all other claims and defendants be dismissed from this
25 action based on Plaintiff's failure to state a claim. (Doc. 16.) Plaintiff was provided an
26 opportunity to file objections to the Findings and Recommendations within thirty days. To
27 date, Plaintiff has not filed objections or otherwise responded to the Findings and
28 Recommendations.

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

5 **III. CONCLUSION**

6 Accordingly, THE COURT HEREBY ORDERS that:

- 7 1. The Findings and Recommendations issued by the Magistrate Judge on
8 December 11, 2013, are ADOPTED in full;
- 9 2. This action now proceeds with Plaintiff's original Complaint, filed on March 18,
10 2013, against defendant C/O J. Clark for use of excessive force in violation of
11 the Eighth Amendment, and C/O A. Rivas for failure to protect Plaintiff in
12 violation of the Eighth Amendment;
- 13 3. All remaining claims and defendants are DISMISSED from this action;
- 14 4. Defendants C/O L. Aragon; C/O A. Tirado; C/O J. Magana, Sergeant W. Rasley,
15 C/O Flores, and the Doe Defendants are DISMISSED from this action based on
16 Plaintiff's failure to state any claims upon which relief may be granted against
17 them under § 1983
- 18 5. The Clerk is DIRECTED to reflect the dismissal of defendants Aragon, Tirado,
19 Magana, Flores, and Rasley on the Court's docket; and
- 20 6. This case is referred back to the Magistrate Judge for further proceedings,
21 including service of process.

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23 IT IS SO ORDERED.

24 Dated: January 23, 2014

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