

1 recommendations recommending that defendants' motion for summary judgment be denied.
2 (Doc. No. 66.)

3 Defendants Ochoa, Mares, and Alvarez filed timely objections to the findings and
4 recommendations, arguing that the magistrate judge had erred in concluding that officer Ochoa's
5 alleged reckless driving did not have to be the actual and proximate cause of plaintiff's claimed
6 injuries and that no genuine dispute of fact exists as to whether officer Ochoa was driving
7 recklessly at the time plaintiff fell from his seat in the transport vehicle and was injured. (Doc.
8 No. 67.)¹ These were essentially the same arguments advanced by defendants in moving for
9 summary judgment. The assigned magistrate judge, however, thoroughly addressed defendants'
10 arguments and the relevant issues in the findings and recommendations and the undersigned
11 agrees in all respects with the analysis set forth therein.² (See Doc. No. 66 at 12-14.)

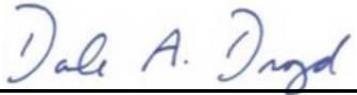
12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
13 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
14 court finds the findings and recommendations to be supported by the record and proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations (Doc. No. 66) issued by the magistrate judge on
17 December 7, 2016, are adopted in full;
- 18 2. The motion for summary judgment filed on behalf of defendants Ochoa, Mares, and
19 Alvarez (Doc. No. 47) is denied; and
- 20 3. This case is referred back to the magistrate judge for further proceedings.

21 IT IS SO ORDERED.

22 Dated: January 30, 2017

23 
UNITED STATES DISTRICT JUDGE

24
25 ¹ Plaintiff did not object to the findings and recommendations or file a reply to the objections
26 filed on behalf of defendants Ochoa, Mares, and Alvarez.

27 ² At the very least, a disputed issue of material fact exists as to whether defendant Ochoa was
28 driving recklessly at the time plaintiff suffered his injury. That alone is a sufficient basis upon
which to deny summary judgment here.

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