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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH R. HENRY, Plaintiff, v. MATTHEW CATE, et al., Defendants.	Case No. 1:14-cv-00791-LJO-SKO (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING DEFENDANT CATE, AND REFERRING MATTER BACK TO MAGISTRATE JUDGE FOR SERVICE OF PROCESS (Docs. 1 and 7)
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Plaintiff Kenneth Henry, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 23, 2014. The action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2015, the Magistrate Judge screened Plaintiff’s complaint and recommended that (1) the action proceed for monetary damages against Defendants Jolly, Contreras, and Ortega for use of excessive physical force, in violation of the Eighth Amendment, and (2) Defendant Cate be dismissed based on Plaintiff’s failure to state a claim against him. 28 U.S.C. § 1915A. Plaintiff filed a timely notice of non-objection to the findings and recommendations on January 22, 2015. Local Rule 304(b).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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 Findings and Recommendations, filed on January 6, 2015, is adopted in full;
2. This action for monetary damages shall proceed against Defendants Jolly, Contreras, and Ortega for use of excessive physical force, in violation of the Eighth Amendment;
3. Defendant Cate is dismissed based on Plaintiff's failure to state a claim against him; and
4. This matter is referred back to the Magistrate Judge for service of process.

IT IS SO ORDERED.

Dated: January 23, 2015

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