1 2 3 4 5 <u>6</u> 7 8 9 UNITED STATES DISTRICT COURT 10 EASTERN DISTRICT OF CALIFORNIA 11 12 LARRY NIELSEN, CASE NO. 1:14-cv-01608-AWI-MJS (PC) 13 Plaintiff, ORDER ADOPTING FINDINGS AND 14 RECOMMENDATIONS FOR DISMISSAL OF CERTAIN OF PLAINTIFF'S CLAIMS ٧. 15 AND DEFENDANTS AND TO DENY AS MOOT PLAINTIFF'S MOTION FOR JOSE LOPEZ, et al., 16 INTERLOCUTORY APPEAL Defendants. 17 (Docs. 28 & 16) 18 Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil 19 rights action brought pursuant to 42 U.S.C. § 1983. (Docs. 1 & 8.) The matter was 20 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and 21 Local Rule 302 of the United States District Court for the Eastern District of California. 22 On August 28, 2015, the Magistrate Judge issued Findings 23 Recommendations (Doc. 28) that (1) Plaintiff should proceed on the excessive force 24 claim against Defendant Lopez, (2) all other claims asserted in the Complaint and all 25 other named Defendants should be dismissed, and (3) Plaintiff's motion for interlocutory 26 appeal (Doc. 16) should be denied as moot. Plaintiff did not object to the Findings and 27

Recommendations and the time for doing so has passed.

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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.

Accordingly, it is HEREBY ORDERED that:

- 1. The Findings and Recommendations (Doc. 28), filed on August 28, 2015, is adopted in full;
- 2. Plaintiff is to proceed on the excessive force claim against Defendant Lopez and Plaintiff's motion for interlocutory appeal (Doc. 16) is denied as moot; and
- 3. All other claims asserted in the Complaint and all other named Defendants are dismissed with prejudice.

IT IS SO ORDERED.

Dated: <u>October 6, 2015</u>

SENIOR DISTRICT JUDGE