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

JOHN MADRID,

Plaintiff,

v.

P. PEASE, et al.,

Defendants.

Case No. 1:15-cv-00770-LJO-BAM-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, (ECF No. 18),  
DISMISSING CERTAIN CLAIMS AND  
DEFENDANTS FOR THE FAILURE TO  
STATE A COGNIZABLE CLAIM

Plaintiff John Madrid is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 13, 2017, the Magistrate Judge issued Findings and Recommendations that this action proceed on Plaintiff's second amended complaint against Defendants Pease, Mendez, Burnes, Thatcher, Aguerralde, and Saucedo for excessive force in violation of the Eighth Amendment, and that the remaining claims and defendants be dismissed from this action for Plaintiff's failure to state a claim upon which relief may be granted. (ECF No. 18.) The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty days after service of the order. (*Id.* at 9.) The deadline for any objections has expired, and no objections have been filed.

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

4 Based on the foregoing, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations dated June 13, 2017 (ECF No. 18) are  
6 adopted in full;
- 7 2. This action proceeds on Plaintiff's second amended complaint, filed on July 21,  
8 2017, against Defendants Pease, Mendez, Burnes, Thatcher, Aguerralde, and  
9 Saucedo for excessive force in violation of the Eighth Amendment;
- 10 3. All other claims and defendants are dismissed from this action based on Plaintiff's  
11 failure to state claims upon which relief may be granted; and
- 12 4. This matter is referred back to the assigned Magistrate Judge for proceedings  
13 consistent with this order.

14 IT IS SO ORDERED.

15 Dated: July 24, 2017

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