

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OUSSAMA SAHIBI,  
Plaintiff,  
v.  
BORJAS GONZALES, et al.,  
Defendants.

CASE NO. 1:15-cv-01581-LJO-MJS (PC)  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DENY  
DEFENDANTS' MOTION FOR JUDGMENT  
ON THE PLEADINGS**  
**(ECF No. 48)**  
**ORDER DENYING MOTION FOR  
JUDGMENT ON THE PLEADINGS**  
**(ECF No. 31)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendants Brandon Cope, Borjas Gonzales, Mario Lozano, Howard Smith, and Stan, and on a Fourteenth Amendment due process claim against Defendant Crouse. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On September 20, 2016, the Magistrate Judge issued findings and

1 recommendations to deny the motion for judgment on the pleadings brought by  
2 Defendants Gonzales, Lozano, Smith, Stan, and Cope. (ECF No. 48.) No objections  
3 were filed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has  
5 conducted a de novo review of this case. Having carefully reviewed the entire file, the  
6 Court finds the findings and recommendation to be supported by the record and by  
7 proper analysis.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. The Court adopts in full the findings and recommendations filed September  
10 20, 2016 (ECF No. 48); and
- 11 2. Defendants' motion for judgment on the pleadings (ECF No. 31) is  
12 DENIED.

13  
14 IT IS SO ORDERED.

15 Dated: October 24, 2016

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

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28