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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY LANGLEY,  
  
                                Plaintiff,  
  
                        v.  
  
TULARE POLICE DEPARTMENT and  
JOSE COLEGIO,  
  
                                Defendants.

No. 1:16-cv-00336-DAD-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, ALLOWING  
PLAINTIFF TO PROCEED ON EXCESSIVE  
FORCE AND UNREASONABLE SEARCH  
AND SEIZURE CLAIMS AGAINST  
DEFENDANT JOSE COLEGIO, DISMISSING  
ALL OTHER DEFENDANTS AND CLAIMS,  
AND DENYING PLAINTIFF’S MOTION  
FOR SUMMARY JUDGMENT

(Doc. No. 64)

Plaintiff Randy Langley (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On January 10, 2018, the assigned magistrate judge screened plaintiff’s second amended complaint (Doc. No. 62) and issued findings and recommendations, recommending that this case proceed only on plaintiff’s excessive force and unreasonable search and seizure claims brought against defendant Jose Colegio. (Doc. No. 64.) The findings and recommendations also recommended that plaintiff’s motion for summary judgment (Doc. No. 60) be denied without prejudice as to plaintiff’s excessive force and unreasonable search and seizure claims against defendant Colegio, and otherwise denied as moot. (Doc. No. 64.) The findings and recommendations were served on January 10, 2018 and provided plaintiff with twenty-one days in which to file objections. (Id.) Plaintiff filed

1 objections on February 2, 2018. (Doc. No. 66.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
3 de novo review of this case. Having carefully reviewed the entire file, including plaintiff's  
4 objections<sup>1</sup>, the court finds that the findings and recommendations are supported by the record  
5 and proper analysis. Plaintiff's objections primarily pertain to the magistrate judge's  
6 recommendation to dismiss his Monell claims brought under § 1983 against defendant "Tulare  
7 Police Department" and do not provide any persuasive argument calling into question the  
8 magistrate judge's conclusions, set forth in the findings and recommendations, that plaintiff has  
9 failed to allege a cognizable Monell claim against the City of Tulare. (Doc. No. 66.)

10 Accordingly,

- 11 1. The January 10, 2018 findings and recommendations (Doc. No. 64) are adopted in  
12 full;
- 13 2. This action shall proceed only on plaintiff's claims against defendant Jose Colegio for  
14 excessive force and unreasonable search and seizure in violation of the Fourth  
15 Amendment;
- 16 3. All other claims and defendants are dismissed;
- 17 4. Plaintiff's motion for summary judgment (Doc. No. 60) is denied without prejudice as  
18 to plaintiff's excessive force and unreasonable search and seizure claims against  
19 defendant Colegio and denied as moot as to all other claims and defendants; and
- 20 5. The matter is referred back to the assigned magistrate judge for further proceedings  
21 consistent with this order.

22 IT IS SO ORDERED.

23 Dated: April 3, 2018

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25 \_\_\_\_\_  
26 UNITED STATES DISTRICT JUDGE

26 <sup>1</sup> The court has also considered plaintiff's renewed request for the appointment of counsel, raised  
27 in his objections. (Doc. No. 66 at 4.) The court is unpersuaded that exceptional circumstances  
28 currently exist that would justify appointing counsel willing to represent plaintiff in this action on  
a pro bono basis and therefore denies plaintiff's renewed request without prejudice. (See Doc.  
No. 45.)