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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY LANGLEY,  
  
Plaintiff,  
  
v.  
  
E. GARCIA; G. COOK,  
  
Defendants.

No. 1:16-cv-01299-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION FOR SUMMARY JUDGMENT

(Doc. Nos. 52, 59)

Plaintiff Randy Langley is a former detainee in county jail proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 March 27, 2020, defendants filed a motion for summary judgment. (Doc. No. 52.) Therein, defendants argue that the uncontested facts show they did not use excessive force against plaintiff and are entitled to qualified immunity. (*See* Doc. 52-1.) Plaintiff filed an opposition to defendants’ motion on April 16, 2020, to which defendants filed a reply. (Doc. Nos. 54-55.)

On July 27, 2020, the assigned magistrate judge filed findings and recommendations, recommending that defendant’s motion for summary judgment be denied. (Doc. No. 59.) The magistrate judge found that genuine disputes over material facts made the granting of summary judgment in defendants’ favor, including on qualified immunity grounds, inappropriate. (*Id.* at 8.) The findings and recommendations were served on defendants and contained notice that any

1 objections thereto were to be filed within 21 days. (*Id.* at 10.) Defendants have not filed any  
2 objections and the time to do so has passed.

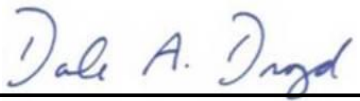
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
5 and recommendations to be supported by the record and proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on July 27, 2020 (Doc. No. 59) are  
8 adopted in full;
- 9 2. Defendants' motion for summary judgment (Doc. No. 52) is denied; and,
- 10 3. This case is referred back to the assigned magistrate judge for further proceedings.

11 IT IS SO ORDERED.

12 Dated: September 1, 2020

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15 UNITED STATES DISTRICT JUDGE

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