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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,
Plaintiff,
v.
PEREZ,
Defendant.

Case No. 1:16-cv-01346-AWI-BAM (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF DEFENDANT LAIN
WITHOUT PREJUDICE FOR FAILURE TO
SERVE
(ECF No. 59)
ORDER TO RECAPTION CASE

Plaintiff Gregory Ell Shehee (“Plaintiff”) is a former county jail inmate proceeding pro se in this civil rights action under 42 U.S.C. § 1983. Plaintiff was a civil detainee at the time of the events at issue. This action proceeds on Plaintiff’s first amended complaint against Defendant Perez for excessive force in violation of the Fourteenth Amendment and against Defendant Lain for failure to protect in violation of the Fourteenth Amendment. 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 January 9, 2019, the assigned Magistrate Judge issued Findings and Recommendations recommending dismissal of Defendant Lain from this action, without prejudice, for failure to serve process under Federal Rule of Civil Procedure 4(m). (ECF No. 59.) Those Findings and Recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 3.) More than fourteen days have

1 passed, and no objections have been filed.

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
3 de novo review of the case. Having carefully reviewed the entire file, the Court concludes that
4 the Magistrate Judge's Findings and Recommendations are supported by the record and by proper
5 analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations issued on January 9, 2019, (ECF No. 59) are adopted
8 in full;
- 9 2. Defendant Lain is dismissed, without prejudice;
- 10 3. This action shall proceed only on Plaintiff's first amended complaint against Defendant
11 Perez for excessive force in violation of the Fourteenth Amendment;
- 12 4. This action no longer proceeds against multiple defendants, and the caption for this case
13 shall be as reflected above; and
- 14 5. This action is referred back to the Magistrate Judge for further proceedings consistent with
15 this order.

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17 IT IS SO ORDERED.

18 Dated: February 26, 2019


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SENIOR DISTRICT JUDGE