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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHANNON WILLIAMS,  
Plaintiff,  
v.  
CHRISTOPHER BAKER and UNITED STATES OF AMERICA,  
Defendants.

Case No. 1:16-cv-01540-NODJ-HBK (PC)  
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL  
(Doc. 146)

The Magistrate Judge issued findings and recommendations, recommending that the district court grant Defendants’ Motion for Judgment on the Pleadings. (Doc. 146.) Plaintiff filed objections on November 21, 2023. (Doc. 147.)

According to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Plaintiff’s arguments do not meaningfully call into question the reasoning provided in the findings and recommendations. Plaintiff contends that this Court long ago found Defendants had waived the present *Bivens* argument. (Doc. No. 147 at 1-3). Plaintiff is correct that in a March 26, 2019 Order Adopting the Magistrate Judge’s Findings and Recommendation, the Court found that Defendants had waived the argument with respect to their July 3, 2018 Motion for Summary Adjudication because Defendants only raised it in objection to the Court’s Findings and Recommendations, and had not raised it before the

1 magistrate judge. (*See* Doc. No. 61 at 2). The Court did not make a finding, as Plaintiff implies,  
2 that the issue was waived for all future purposes in this litigation. Notably, the Court declined to  
3 rule on the underlying legal question regarding extension of *Bivens* and noted that the Ninth  
4 Circuit had not yet ruled on the issue. (*Id.* n.1). As the magistrate judge correctly noted, because  
5 the Ninth Circuit has now expressly ruled that a *Bivens* remedy may not be extended to Eighth  
6 Amendment excessive use of force claims, the Court is bound to apply that precedent. (Doc. No.  
7 146 at 5-6). Plaintiff fails to cite any legal authority that would warrant disregarding clearly  
8 applicable and binding precedent.

9 Thus, the Court **ORDERS** the findings and recommendations filed on November 7, 2023  
10 (Doc. 146), are **ADOPTED IN FULL**.

11 IT IS SO ORDERED.

12 DATED: March 27, 2024.

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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