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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA  
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7 CARLOS BURNETT,

8 Plaintiff,

9 vs.

10 K. SEDILLO, et al.,

11 Defendants.

1:16-cv-01672-LJO-GSA-PC

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF No. 45.)**

**ORDER GRANTING DEFENDANT DYER'S  
MOTION FOR SUMMARY JUDGMENT  
(ECF No. 37.)**

**ORDER FOR CLERK TO ENTER  
JUDGMENT FOR DEFENDANT DYER**

**ORDER FOR THIS CASE TO PROCEED  
AGAINST DEFENDANTS MEIER,  
REYNAGA, HUCKLEBERRY, AND  
GARCIA**

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18 Carlos Burnett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
19 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United  
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On October 3, 2018, findings and recommendations were entered, recommending that  
22 defendant Dyer's motion for summary judgment, filed on August 15, 2018, be granted. (ECF  
23 No. 45.) The parties were granted fourteen days in which to file objections to the findings and  
24 recommendations. (Id.) The fourteen-day deadline has now expired, and no objections have  
25 been filed.

26 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
27 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
28 court finds the findings and recommendations to be supported by the record and proper analysis.

1 Accordingly, THE COURT HEREBY ORDERS that:

- 2 1. The findings and recommendations entered on October 3, 2018, are ADOPTED  
3 in full;
- 4 2. Defendant Dyer's motion for summary judgment, filed on August 15, 2018, is  
5 GRANTED;
- 6 3. Summary judgment is GRANTED in favor of defendant Dyer on Plaintiff's claim  
7 for use of excessive force under the Eighth Amendment;
- 8 4. This action now proceeds against defendants Meier, Reynaga, Huckleberry, and  
9 Garcia, for use of excessive force in violation of the Eighth Amendment;
- 10 5. The Clerk is directed to enter judgment in favor of defendant Dyer and reflect the  
11 dismissal of defendant Dyer from this action on the court's docket; and
- 12 6. This case is referred back to the Magistrate Judge for further proceedings.

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14 IT IS SO ORDERED.

15 Dated: November 3, 2018

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