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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA, III,
Plaintiff,
v.
C. COOPER et al.,
Defendants.

No. 1:17-cv-00004-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS FINDING
COGNIZABLE CLAIM FOR EXCESSIVE
FORCE AND RECOMMENDING
DISMISSAL OF ALL OTHER CLAIMS

(Doc No. 17)

Plaintiff Monico J. Quiroga, III is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. The 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 29, 2017, the assigned magistrate judge entered findings and recommendations, recommending that (1) this case proceed only on plaintiff’s excessive use of force claim brought under the Fourteenth Amendment against defendants Cooper and Moreno; (2) all other claims be dismissed; and (3) defendant “Kern County Sherriff” be dismissed from this action. (Doc. No. 17.) The findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within thirty days. (*Id.*) No objections were filed.

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

4 Accordingly,

- 5 1. The March 29, 2017 findings and recommendations (Doc. No. 17) are adopted in full;
- 6 2. This case proceed only on plaintiff's excessive use of force claim brought under the
7 Fourteenth Amendment against defendants Cooper and Moreno;
- 8 3. All other claims are dismissed;
- 9 4. Defendant "Kern County Sherriff" is dismissed from this action; and
- 10 5. This matter is referred back to the assigned magistrate judge for further proceedings
11 consistent with this order.

12 IT IS SO ORDERED.

13 Dated: July 6, 2017

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16 UNITED STATES DISTRICT JUDGE
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