

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIC CARTER.

No. 1:17-cv-00245-DAD-EPG

Plaintiff,

V.

H. FLORES et al.,

## ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. No. 12)

Plaintiff Dominic Carter is a state prisoner proceeding *pro se* in this civil rights action.

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 April 11, 2017, the assigned magistrate judge entered findings and recommendations, recommending that this action proceed only on plaintiff's claim for excessive use of force in violation of the Eighth Amendment against defendants Longoria and Flores, and that all other claims and defendants be dismissed from this action with prejudice. (Doc. No. 12.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within twenty-one days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations, although he did file a notice indicating his willingness to proceed only on his

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1 Eighth Amendment excessive use of force claim against defendants Longoria and Flores. (See  
2 Doc. No. 14.)

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

6 || Accordingly,

7       1. The April 11, 2017 findings and recommendations (Doc. No. 12) are adopted in full;

8       2. This action now proceeds only on plaintiff's claim against defendants S. Longoria and

9               H. Flores for excessive use of force in violation of the Eighth Amendment;

10      3. All other claims and defendants are dismissed from this action;

11      4. Defendants S. Longoria and H. Flores have thirty days from the date of service of this

12               order to file a responsive pleading to the complaint; and

13      5. This case is referred back to the assigned magistrate judge for further proceedings

14               consistent with this order.

IT IS SO ORDERED.

Dated: **June 21, 2017**

Dale A. Troyd  
UNITED STATES DISTRICT JUDGE