



1 34.) No objections have been filed to date and the time to do so has since passed.

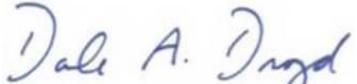
2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Local Rule 304, this  
3 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
4 court finds the findings and recommendations to be supported by the record and proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on June 16, 2021 (Doc. No. 97) are  
7 adopted in full;
- 8 2. Defendants' motion for summary judgment (Doc. No. 87) is denied;
- 9 3. This case proceeds on the following claims brought by plaintiff:
  - 10 a. A claim for use of excessive use of force in violation of the Eighth  
11 Amendment against defendants Sergeant Gonzales, Correctional Officer (CO)  
12 Johnson, CO Castro, CO Meier, CO Flores, and CO Potzernitz;
  - 13 b. A claim of retaliation in violation of the First Amendment against defendant  
14 Sergeant Gonzales; and
  - 15 c. A claim for failure to protect in violation of the Eighth Amendment against  
16 defendant CO Scaife; and
- 17 4. This case is referred back to the magistrate judge for further proceedings and  
18 scheduling.

19 IT IS SO ORDERED.

20 Dated: September 5, 2021

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23 UNITED STATES DISTRICT JUDGE  
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