

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICTOR M. SIENZE,

Plaintiff,

v.

MADERA COUNTY SHERIFF’S OFFICE,
et al.,

Defendants.

Case No. 1:17-cv-00736-AWI-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS
FOR FAILURE TO STATE A CLAIM

(ECF No. 6)

Plaintiff Victor M. Sienze is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a first amended complaint on June 30, 2017, which was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 13, 2017, the Magistrate Judge filed a findings and recommendations which recommended dismissing certain claims and defendants for Plaintiff’s failure to state a claim. The findings and recommendations was served on Plaintiff and contained notice that any objections to the findings and recommendations were to be filed within thirty days from the date of service. The period for filing objections has passed and no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the

1 findings and recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations, filed July 13, 2017, is ADOPTED IN FULL;
- 4 2. This action shall proceed against Defendants Kutz and Kerber for the use of
5 excessive force in violation of the Fourth Amendment;
- 6 3. Defendants Clark, Roth, and Thomas are dismissed from this action for Plaintiff's
7 failure to state a cognizable claim against them;
- 8 4. All remaining claims in the first amended complaint are dismissed for failure to
9 state a claim; and
- 10 5. This matter is referred to the Magistrate Judge for initiation of service of process.

11 IT IS SO ORDERED.

12 Dated: August 18, 2017

13 
14 SENIOR DISTRICT JUDGE