

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUINCY MOSLEY,
Plaintiff,
v.
S. STEWART, et al.,
Defendants.

No. 1:17-cv-00852-DAD-MJS
ORDER ADOPTING FINDINGS AND
RECOMMENDATION FOR ACTION TO
PROCEED ON COGNIZABLE EXCESSIVE
FORCE CLAIMS AGAINST INDIVIDUAL
DEFENDANTS AND TO DISMISS
OFFICIAL CAPACITY CLAIMS WITH
PREJUDICE

(Doc. No. 10)

Plaintiff Quincy Mosley (“plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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 of the United States District Court for the Eastern District of California.

On November 22, 2017, the assigned magistrate judge screened plaintiff’s complaint and found that it states cognizable claims under the Eighth Amendment against defendants Stewart, Ventura, and Castillo in their individual capacities, but that plaintiff’s official capacity claim for damages was barred by the Eleventh Amendment. (Doc. No. 10.) The magistrate judge recommended that plaintiff proceed on the cognizable claims identified in the screening order, and that the official capacity claims be dismissed. No objections to the findings and recommendations have been filed, and the objection period set forth therein has passed.

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


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

Based on the foregoing, it is ordered that:

1. The court adopts the findings and recommendations, filed November 22, 2017 (Doc. No. 10), in full;
2. Plaintiff shall proceed on his Eighth Amendment claims for monetary damages against defendants Ventura, Castillo, and Stewart in their individual capacities; and
3. Plaintiff's official capacity claims are dismissed with prejudice.

IT IS SO ORDERED.

Dated: February 12, 2018


UNITED STATES DISTRICT JUDGE