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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANIEL DEAN ALVARADO, JR.,  
Plaintiff,  
v.  
COUNTY OF TULARE, *et al.*,  
Defendants.

Case No. 1:17-cv-01396-LJO-BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS AND  
DEFENDANTS  
(ECF No. 19)

Plaintiff Daniel Dean Alvarado, Jr. (“Plaintiff”) is a former pretrial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 22, 2019, the assigned Magistrate Judge screened Plaintiff’s first amended complaint under 28 U.S.C. § 1915A, and found that it stated a cognizable claim for excessive force in violation of the Fourteenth Amendment against Defendant Rales, but failed to state any other cognizable claims against any other defendants. Accordingly, the Magistrate Judge issued findings and recommendations that this action proceed on Plaintiff’s first amended complaint against Defendant Rales for excessive force in violation of the Fourteenth Amendment and all other claims and defendants be dismissed from this action for failure to state a claim. (ECF No. 19.) The findings and recommendations were served on Plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 7.) No objections have been filed, and the deadline in which to do so has expired.

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 this case. Having carefully reviewed the entire file, the Court finds the  
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations issued on April 22, 2019, (ECF No. 19), are  
6 adopted in full;
- 7 2. This action shall proceed on Plaintiff's first amended complaint, filed November 16,  
8 2018, (ECF No. 18), against Defendant Rales for excessive force in violation of the  
9 Fourteenth Amendment;
- 10 3. All other claims and defendants are dismissed based on Plaintiff's failure to state  
11 claims upon which relief may be granted; and
- 12 4. This action is referred back to the assigned Magistrate Judge for further proceedings  
13 consistent with this order.

14  
15 IT IS SO ORDERED.

16 Dated: May 17, 2019

/s/ Lawrence J. O'Neill  
17 UNITED STATES CHIEF DISTRICT JUDGE  
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