

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Plaintiff Robert M. Colvin is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 10, 2018, the assigned Magistrate Judge issued findings and recommendations recommending that this action proceed only on Plaintiff's claim for excessive force in violation of the Eighth Amendment against Defendants Cullen, Mesa, Lopez, Garcia, Ibarra and Waddel in their individual capacities, and for deliberate indifference to serious medical needs in violation of the Eighth Amendment against Defendants Garcia, Martinez and Smith in their individual capacities. (Doc. No. 11.) The Magistrate Judge further recommended that all other claims and Defendants be dismissed, with prejudice. The findings and recommendations were served on Plaintiff and contained notice that any objections must be filed within fourteen days. (*Id.* at 10.) That deadline has passed, and no objections were 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 and carefully reviewed the entire file. The Court finds that the findings and recommendations are supported by the record and by proper analysis.

Accordingly, the Court HEREBY ORDERS as follows:

1. The findings and recommendations issued on June 10, 2018 (Doc. No. 11) are adopted in full;

2. This action shall proceed only on Plaintiff's claim for excessive force in violation of the Eighth Amendment against Defendants Cullen, Mesa, Lopez, Garcia, Ibarra and Waddel in their individual capacities, and for deliberate indifference to serious medical needs in violation of the Eighth Amendment against Defendants Garcia, Martinez and Smith in their individual capacities;

3. All other claims and defendants are dismissed;

4. The caption and docket shall be updated to reflect this order; and

5. This matter is referred to the assigned Magistrate Judge for further proceedings consistent with this order, including initiation of service of process.

IT IS SO ORDERED.

Dated: July 7, 2018

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