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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN S. BULGARA,

 Plaintiff,

 v.

COUNTY OF STANISLAUS, et al.,

 Defendants.

No. 1:18-cv-00804-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 6)

Plaintiff Juan S. Bulgara, a pretrial detainee proceeding *pro se* and *in forma pauperis*, filed the complaint in this civil rights action on June 13, 2018. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Upon screening plaintiff’s first amended complaint, the assigned magistrate judge issued findings and recommendations on July 31, 2018, recommending dismissal of certain claims and defendants for failure to state a cognizable claim. (Doc. No. 6.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within thirty (30) days from the date of service. No objections were filed and the time for doing so has expired.

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 findings

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

2 Accordingly,

- 3 1. The findings and recommendations issued July 31, 2018 (Doc. No. 6) are adopted
4 in full;
- 5 2. This action shall proceed against Doe 3 for excessive force in violation of the
6 Fourth Amendment and assault and battery and negligence under California law;
7 Does 1 and 2 for assault and negligence under California law; and the County of
8 Stanislaus for vicarious liability on the state law claims;
- 9 3. All remaining claims are dismissed without leave to amend;
- 10 4. Defendants Modesto Police Department, Turlock Police Department, and
11 Stanislaus County Sheriff's Office are dismissed from this action based on
12 plaintiff's failure to state a cognizable claim against them; and
- 13 5. This matter is referred back to the magistrate judge for initiation of service of
14 process.

15 IT IS SO ORDERED.

16 Dated: November 13, 2018

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19 UNITED STATES DISTRICT JUDGE
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