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

RICHARD JUNIEL,

Plaintiff,

v.

J. CLAUSEN, et al.,

Defendants.

1:18-cv-01118-LJO-GSA-PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 13.)**

**ORDER FOR THIS CASE TO PROCEED
AGAINST DEFENDANT J. CLAUSEN FOR USE
OF EXCESSIVE FORCE AND DEFENDANT A.
RANDOLPH FOR RETALIATION, AND
DISMISSING ALL OTHER CLAIMS FOR
FAILURE TO STATE A CLAIM
(ECF No. 1.)**

Richard Juniel (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action 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.

On July 22, 2019, the court entered [findings and recommendations](#), recommending that this action proceed only against defendant J. Clausen for use of excessive force and defendant A. Randolph for retaliation, and that all other claims be dismissed from this action based on Plaintiff’s failure to state a claim. (ECF No. 13.) Plaintiff was granted fourteen days in which to file objections to the findings and recommendations. (*Id.*) The time for filing objections has passed, and Plaintiff has not filed objections or any other response to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on July 22,
6 2019, are ADOPTED in full;
- 7 2. This action now proceeds with Plaintiff's original Complaint, filed on August 20,
8 2018, against defendant J. Clausen for use of excessive force in violation of the
9 Eighth Amendment and defendant A. Randolph for retaliation in violation of the
10 First Amendment;
- 11 3. All other claims are dismissed from this case for failure to state a claim upon
12 which relief may be granted under § 1983;
- 13 4. Plaintiff's claims for tight handcuffs, unreasonable cell search under the Fourth
14 Amendment, unreasonable strip search under the Fourth Amendment, due process
15 concerning loss of personal property, and declaratory relief are dismissed from
16 this case based on Plaintiff's failure to state a claim under § 1983; and
- 17 5. This case is referred back to the Magistrate Judge for further proceedings,
18 including initiation of service of process.

19
20 IT IS SO ORDERED.

21 Dated: August 22, 2019

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