## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

CONRAD WOOD,
Plaintiff,
v.

ANDREW BASSET, et al., Defendants.

Case No.: 1:19-cv-0100- JLT
ORDER WITHDRAWING THE FINDINGS AND RECOMMENDATIONS DATED FEBRUARY 11, 2019

ORDER DISMISSING CERTAIN CLAIMS AND K-9 HERO AS A DEFENDANT IN THIS ACTION

Conrad Wood asserts that Andrew Basset and K-9 Hero with the Kern County Sheriff's Department are liable for excessive force when he was not resisting apprehension. (Doc. 1) Previously, the Court found the facts alleged were sufficient to support a claim for excessive force against Basset, but Plaintiff failed to allege a cognizable claim against Hero. (Doc. 3) Plaintiff has informed the Court he wishes to proceed only on the claim found cognizable. (Doc. 4)

Following Plaintiff's request to proceed only on the claim against Basset, the Court issued Findings and Recommendations on February 11, 2019, which were submitted to the assigned district judge. (Doc. 5) However, the parties indicated their willingness to consent to magistrate judge jurisdiction, and the matter has now been reassigned. (See Doc. 14) Accordingly, the Court ORDERS:

1. The Findings and Recommendations dated February 11, 2019 are WITHDRAWN;
2. Plaintiff's claim for excessive force against Hero is DISMISSED;
3. K-9 Hero SHALL be terminated as a defendant in this action; and
4. The action SHALL proceed only upon Plaintiff's claims under Section 1983 for excessive force, against Andrew Basset.

IT IS SO ORDERED.
Dated: April 5, 2019
/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

