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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	CONRAD WOOD,) Case No.: 1:19-cv-0100- JLT
12	Plaintiff,) ORDER WITHDRAWING THE FINDINGS) AND RECOMMENDATIONS DATED
13	v.) FEBRUARY 11, 2019
14	ANDREW BASSET, et al.,) ORDER DISMISSING CERTAIN CLAIMS AND) K-9 HERO AS A DEFENDANT IN THIS ACTION
15	Defendants.	
16)
17	Conrad Wood asserts that Andrew Basset and K-9 Hero with the Kern County Sheriff's	
18	Department are liable for excessive force when he was not resisting apprehension. (Doc. 1) Previously,	
19	the Court found the facts alleged were sufficient to support a claim for excessive force against Basset,	
20	but Plaintiff failed to allege a cognizable claim against Hero. (Doc. 3) Plaintiff has informed the Court	
21	he wishes to proceed only on the claim found cognizable. (Doc. 4)	
22	Following Plaintiff's request to proceed only on the claim against Basset, the Court issued	
23	Findings and Recommendations on February 11, 2019, which were submitted to the assigned district	
24	judge. (Doc. 5) However, the parties indicated their willingness to consent to magistrate judge	
25	jurisdiction, and the matter has now been reassigned. (<i>See</i> Doc. 14) Accordingly, the Court ORDERS :	
26	1. The Findings and Recommendat	ions dated February 11, 2019 are WITHDRAWN;
27	2. Plaintiff's claim for excessive fo	rce against Hero is DISMISSED ;
28	3. K-9 Hero SHALL be terminated	as a defendant in this action; and
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1	4. The action SHALL proceed only upon Plaintiff's claims under Section 1983 for	
2	excessive force, against Andrew Basset.	
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4	IT IS SO ORDERED.	
5	Dated: April 5, 2019 /s/ Jennifer L. Thurston	
6	UNITED STATES MAGISTRATE JUDGE	
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