

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO SANCHEZ,

Plaintiff,

v.

ROY DEOCHOA, *et al.*,

Defendants.

No. 1:19-cv-00354-DAD-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT PLAINTIFF
PROCEED ON COGNIZABLE CLAIM AND
DISMISS NON-COGNIZABLE CLAIMS

(Doc. No. 8)

Plaintiff Pedro Sanchez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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 16, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff be allowed to proceed on an excessive force claim against defendant Deochoa.¹ (Doc. No. 8.) The magistrate judge also recommended that the remainder of plaintiff’s claims be dismissed without prejudice. (*Id.* at 2.) On July 19, 2019, plaintiff filed notice of his willingness to proceed only on the claim for excessive force against Deochoa which the magistrate judge had found to be cognizable. (Doc. No. 10.)

////

¹ The July 16 findings and recommendations incorrectly referred to defendant Deochoa’s name as “Deputy P. Boles.” This typographic error does not affect the substance of this order.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) 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 by proper
4 analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on July 16, 2019, (Doc. No. 8), are
7 adopted in full;
- 8 2. This action shall proceed on plaintiff's excessive force claim against defendant
9 Deochoa;
- 10 3. All other claims and defendants are dismissed without prejudice; and
- 11 4. This matter is referred back to the assigned magistrate judge for further
12 proceedings consistent with this order.

13 IT IS SO ORDERED.

14 Dated: September 9, 2019

15 
16 _____
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28