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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT QUINCY THOMAS,
Plaintiff,
v.
REYNA, et al.,
Defendants.

No. 1:19-cv-01217-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 37, 45)

Plaintiff Robert Quincy Thomas is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 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. This case proceeds on plaintiff’s Eighth Amendment excessive use of force claims against defendants Reyna, Podsakoff, Vellido, Centeno, and Huerta.

On November 22, 2021, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for summary judgment (Doc. No. 37) be denied. (Doc. No. 45.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 8.) No objections have been filed and the time for doing so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the


1 undersigned concludes that the findings and recommendations are supported by the record and
2 proper analysis.

3 Accordingly,

- 4 1. The findings and recommendations issued on November 22, 2021 (Doc. No. 45)
5 are adopted in full;
- 6 2. Plaintiff's motion for summary judgment (Doc. No. 37) is denied; and
- 7 3. This matter is referred back to the assigned magistrate judge for further
8 proceedings.

9 IT IS SO ORDERED.

10 Dated: January 6, 2022


11 UNITED STATES DISTRICT JUDGE

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