

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

MATTHEW H. BECKETT,  
Plaintiff,

v.

MORENO, *et al.*,  
Defendants.

No. 1:20-cv-01427-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS

(Doc. No. 14)

Plaintiff Matthew H. Beckett is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 12, 2020, the assigned magistrate judge screened plaintiff's first amended complaint and issued findings and recommendations recommending that this action proceed on plaintiff's claim for excessive force in violation of the Eighth Amendment for the incident on October 21, 2018 against defendants Sedillo and Moreno for force used after the time plaintiff lost consciousness. (Doc. No. 14.) The magistrate judge further recommended that all other claims be dismissed based on plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 6.) No objections have been filed, and the deadline to do so has expired.

////

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

4 Accordingly,

- 5 1. The findings and recommendations issued on November 12, 2020, (Doc. No. 14), are  
6 adopted in full;
- 7 2. This action shall proceed on plaintiff's first amended complaint, filed November 6,  
8 2020, (Doc. No. 12), against defendants Sedillo and Moreno for force used after the  
9 time plaintiff lost consciousness during the incident on October 21, 2018, in violation  
10 of the Eighth Amendment;
- 11 3. All other claims are dismissed from this action for failure to state a claim upon which  
12 relief may be granted; and
- 13 4. This action is referred back to the magistrate judge for proceedings consistent with this  
14 order.

15 IT IS SO ORDERED.

16 Dated: January 7, 2021

17   
18 \_\_\_\_\_  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28