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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PABLO PIÑA,

Plaintiff,

v.

YSUSI, *et al.*,

Defendants.

No. 1:20-cv-01735-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. No. 12)

Plaintiff Pablo Piña is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 11, 2021, the assigned magistrate judge screened plaintiff’s first amended complaint and issued findings and recommendations that this action proceed on two of plaintiff’s claims: a claim for excessive force against defendant Ysusi for shooting plaintiff with a “launcher” after a fight in the prison yard had stopped; and a claim for retaliation against defendant J. Gonzales. (Doc. No. 12.) The magistrate judge further recommended that all other claims and defendants be dismissed from this action for failure to state a cognizable claim for relief. (*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 9.) No objections have been filed, and the deadline to do so has expired.

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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 May 11, 2021, (Doc. No. 12), are
6 adopted in full;
- 7 2. This action shall proceed on plaintiff's first amended complaint, filed April 26, 2021,
8 (Doc. No. 10), against defendant Ysusi for excessive force in violation of the Eighth
9 Amendment and against defendant J. Gonzales for retaliation in violation of the First
10 Amendment;
- 11 3. All other claims and defendants are dismissed from this action for failure to state a
12 cognizable claim for relief; 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: July 13, 2021

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19 UNITED STATES DISTRICT JUDGE
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