

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

RENE LUNA, JR.,
Plaintiff,
v.
OFFICER LOLL, et al.,
Defendants.

Case No. 1:21-cv-01291-AWI-BAM
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
RECOMMENDING DISMISSAL OF
CERTAIN CLAIMS AND DEFENDANTS**
(Doc. Nos. 20, 21)

Plaintiff Rene Luna, Jr., is a county jail inmate proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983.

On April 20, 2022, the assigned magistrate judge issued findings and recommendations recommending this action proceed on plaintiff’s second amended complaint, filed on April 14, 2022, against Officers Loll and Gomez of the Kings County Sheriff’s Department for excessive force in violation of the Fourth Amendment. The magistrate judge recommended that all other claims and defendants be dismissed, without prejudice, based on plaintiff’s failure to state a claim upon which relief may be granted. (Doc. No. 21.) Those findings and recommendations were served on the plaintiff and contained notice that objections thereto were to be filed within fourteen (14) days. (*Id.*) The time in which to file objections has passed and no objections have been filed.

///

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

4 Accordingly, IT IS HEREBY ORDERED as follows:

5 1. The findings and recommendations issued on April 20, 2022 (Doc. No. 21) are
6 adopted in full;

7 2. This action shall proceed on plaintiff's second amended complaint, filed on April
8 14, 2022, against Officers Loll and Gomez of the Kings County Sheriff's Department for
9 excessive force in violation of the Fourth Amendment;

10 3. All other claims and defendants are dismissed from this action, without prejudice,
11 based on plaintiff's failure to state claims upon which relief may be granted; and

12 4. This action is referred back to the assigned magistrate judge for further
13 proceedings consistent with this order.

14 IT IS SO ORDERED.

15 Dated: June 10, 2022

16 
17 SENIOR DISTRICT JUDGE

18
19
20
21
22
23
24
25
26
27
28