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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **DAVID PONCE, et al.,**

8 **Plaintiffs,**

9 **v.**

10 **WASHBURN, et al.,**

11 **Defendants.**

CASE NO. 1:21-cv-01291-AWI-BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS
AND PARTIES AS DUPLICATIVE**

(Doc. No. 5)

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14 Plaintiffs David Ponce, Anthony Baker, Jesse Gomez, Rene Luna, and James Wallace,
15 proceeding pro se, initiated this civil action on August 25, 2021. Doc. No. 1.

16 On September 9, 2021, the assigned magistrate judge issued findings and
17 recommendations, recommending that this action be allowed to proceed on Plaintiff Luna's claim
18 against Officers Loll and Gomez of the Kings County Sheriff's Department. Doc. No. 5. The
19 magistrate judge further recommended that all other claims and parties be dismissed from this
20 action as they are duplicative of other previously filed civil actions. Id. The findings and
21 recommendations were served on Plaintiffs with instructions that any objections thereto must be
22 filed within fourteen days after service of the order. Id. at 7. No timely objections were filed.
23 Further, Plaintiffs Baker, Gomez, and Wallace all filed statements wishing to be dismissed from
24 the action. Doc. Nos. 6, 7, and 8.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
26 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that
27 the findings and recommendations are supported by the record and by proper analysis.

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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (Doc. No. 5) that were issued on September 9, 2021, are ADOPTED in full;
2. This action shall proceed on Plaintiff Luna's claim for excessive force against Officers Loll and Gomez of the Kings County Sheriff's Department;
3. All other federal claims and all other parties are DISMISSED as duplicative; and
4. This matter is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: November 16, 2021



SENIOR DISTRICT JUDGE