



1 The Magistrate Judge further recommended dismissal of all other claims and defendants based on  
2 Plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and  
3 recommendations were served on Plaintiff and contained notice that any objections would be due  
4 within fourteen days after service. (*Id.* at 13.) The Court also noted that Plaintiff could raise  
5 objections to the screening order in response to the findings and recommendations. (*Id.* at 2.) On  
6 September 6, 2022, Plaintiff filed timely objections. (ECF. No. 19.)

7 Plaintiff's objections generally set forth disagreement with the Magistrate Judge's  
8 findings and recommendations. As Plaintiff supports his disagreements with the same types of  
9 conclusory allegations set forth in his complaint, the Court finds no basis for setting aside the  
10 Magistrate Judge's findings and recommendations.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
12 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's  
13 objections, the Court finds the findings and recommendations to be supported by the record and  
14 by proper analysis.

15 Accordingly,

- 16 1. The findings and recommendations issued on August 24, 2022, (ECF No. 16), are  
17 adopted in full;
- 18 2. This action shall proceed on Plaintiff's complaint, filed May 20, 2022, (ECF No.  
19 1), against Defendant Gutierrez for excessive force in violation of the Eighth  
20 Amendment;
- 21 3. All other claims and defendants are dismissed from this action for failure to state  
22 claims upon which relief may be granted; and

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4. This action is referred back to the Magistrate Judge for proceedings consistent with this order.

IT IS SO ORDERED.

Dated: September 29, 2022

  
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UNITED STATES DISTRICT JUDGE