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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	BERLAN LYNELL DICEY,
11	Plaintiff, No. 2:08-cv-2608 JAM JFM (PC)
12	VS.
13	W. R. HARRISON, et al.,
14	Defendants. <u>ORDER</u>
15	/
16	Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17	seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18	Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.
19	On December 9, 2011, the magistrate judge filed findings and recommendations
20	herein which were served on all parties and which contained notice to all parties that any
21	objections to the findings and recommendations were to be filed within fourteen days. Plaintiff
22	has filed objections to the findings and recommendations.
23	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
24	304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire
25	file, the court finds the findings and recommendations to be supported by the record and by
26	proper analysis.
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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. The findings and recommendations filed December 9, 2011, are adopted in
3	full;
4	2. Defendants' March 11, 2011 motion for summary judgment is denied as to
5	plaintiff's Eighth Amendment excessive force claim against defendant Harrison and granted as to
6	plaintiff's Eighth Amendment claim of deliberate indifference against defendants Pfadt and
7	Harrison;
8	3. This action shall proceed to trial on plaintiff's Eighth Amendment excessive
9	force claim against defendant Harrison; and
10	4. This matter is referred back to Judge John F. Moulds for further pretrial
11	proceedings.
12	DATED: February 10, 2012
13	/s/ John A. Mendez
14	UNITED STATES DISTRICT JUDGE
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