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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES HENRY FLOURNOY,

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFF
DEP'T, et al.,

Defendants.

No. 2:11-cv-2844-KJM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 25, 2017, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.¹

¹ On March 5, 2018, plaintiff filed pro se objections to the findings and recommendations. Defendants filed a response thereto on March 6, 2018. Because plaintiff has been represented by counsel since February 14, 2018, the court issued a minute order on March 13, 2018 disregarding his pro se objections and informing plaintiff's counsel that any objections must be filed not later than March 28, 2018. Counsel filed no objections. The court also disregards defendants' response to the disregarded objections.

1 The court presumes that any findings of fact are correct. *See Orand v. United States*, 602
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
3 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
4 the file, the court finds the findings and recommendations to be supported by the record and by
5 the proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed September 25, 2017, are adopted in full;
- 8 2. Dr. Bauer's motion for summary judgment (ECF No. 140) is granted;
- 9 3. Dr. Sahba's motion for summary judgment (ECF No. 138) is granted;
- 10 4. Deputy Kinder's motion for summary judgment (ECF No. 139) is granted in part
11 and denied in part, as follows:

12 a. Summary judgment is granted to Kinder on plaintiff's § 1983 malicious
13 prosecution claim; and

14 b. Summary judgment is denied to Kinder on plaintiff's excessive force claim.

15 So ordered; and

16 5. A final pretrial conference is set for **June 29, 2018, at 10:00 a.m.** in the event the case
17 does not settle at the settlement conference scheduled with a magistrate judge earlier in June.

18 DATED: March 30, 2018.

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22 UNITED STATES DISTRICT JUDGE
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