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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVON E. McCOY,
Plaintiff,
v.
J. STRATTON et al.,
Defendants.

No. 2:12-cv-1137 WBS DAD 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 21, 2014, the magistrate judge filed findings and recommendations herein 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.


The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed November 21, 2014, are adopted in full;
2. Defendants' motion for summary judgment based on plaintiff's failure to exhaust administrative remedies (Doc. No. 36) is granted in part and denied in part as follows:
 - a. Defendants' motion for summary judgment on plaintiff's excessive use of force claims is denied;
 - b. Defendants' motion for summary judgment on plaintiff's deliberate indifference medical care claims is granted;
 - c. Defendants' motion for summary judgment on plaintiff's retaliation claims is denied; and
3. Within thirty days of the date of this order, defendants are directed to file an answer in this action.

Dated: January 20, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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