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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 DB

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983 alleging excessive force against correctional officers for taking him to the ground during an escort. 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 March 2, 2017, 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 seven days. (ECF No. 78.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 81.)


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 2, 2017 (ECF No. 78) are adopted in full;
2. Defendants’ motion for summary judgment (ECF No. 51) is granted in part and denied in part;
3. Summary judgment is denied on behalf of defendants Stratton, Epp, Barnes, Dingfelder, Sweeney, and Hughes concerning the Eighth Amendment claims;
4. Summary judgment is granted on behalf of defendants Barnes, Wells, Chavez, Martinez, and Slaughter for failure to exhaust administrative remedies concerning the deliberate indifference and retaliation claims;
5. Summary judgment is granted on behalf of defendant Stratton concerning the retaliation claim; and
6. Summary judgment is denied as to defendants Stratton, Epp, Barnes, Dingfelder, Sweeney, and Hughes concerning their assertion of qualified immunity.

Dated: April 12, 2017

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

DLB:10  
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