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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRISTIN HARDY,

Plaintiff,

v.

C DAVIS, et al.,

Defendants.

No. 2:13-cv-00726 JAM DB

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 May 5 and 6, 2016, the parties filed cross-motions for summary judgment. (ECF Nos. 83; 84.) On February 8, 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 fourteen days. (ECF No. 102.) Plaintiff and defendants filed objections to the findings and recommendations. (ECF Nos. 109; 110.)

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

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1 court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed February 8, 2017 (ECF No. 102) are adopted
5 in full;

6 2. Plaintiff's motion for partial summary judgment (ECF No. 83) is denied;

7 3. Defendants' motion for summary judgment (ECF No. 84) is granted in part and
8 denied in part;

9 4. Defendant Davis is entitled to summary judgment concerning plaintiff's Fourth
10 Amendment claim and Eighth Amendment claim;

11 5. Defendants Morris and Zahniser are entitled to summary judgment on plaintiff's
12 Eighth Amendment excessive force claim;

13 6. Defendants Morris and Zahniser are denied summary judgment on plaintiff's
14 Fourth Amendment claim; and

15 7. Defendants Morris and Zahniser are denied qualified immunity concerning
16 plaintiff's Fourth Amendment claim.

17 DATED: MAY 18, 2017

/s/ John A. Mendez

18 UNITED STATES DISTRICT COURT JUDGE
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