1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JESSE WASHINGTON, No. 2:14-cv-00628 TLN DB 12 Plaintiff, 13 v. ORDER 14 A. GUSTAFSON, 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 9, 2017, the Magistrate Judge filed findings and recommendations herein which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 53.) Defendants 23 have filed objections to the findings and recommendations. (ECF No. 54.) 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 ///// 1

1 Accordingly, IT IS HEREBY ORDERED that Defendants' motion for summary judgment 2 (ECF No. 30) is granted in part and denied in part: 3 1. The findings and recommendations filed March 9, 2017 (ECF No. 53) are adopted 4 in full; 2. 5 Summary judgment is granted on behalf of Defendant Kesler concerning all 6 deliberate indifference claims; 3. 7 Summary judgment is granted on behalf of Defendant Gustafson concerning the 8 retaliation, deliberate indifference, and excessive force claims arising from the handcuffing of 9 Plaintiff; 4. 10 Summary judgment is denied on behalf of Defendants Aguilera, Blomquist, 11 Gustafson, and Walker concerning the deliberate indifference claims arising from the alleged 12 denial of medical treatment after the use of force incident; 13 5. Summary judgment is denied on behalf of Defendant Gustafson concerning the 14 excessive force claim arising from his use of pepper spray against Plaintiff; and 15 6. Summary judgment is denied on behalf of Defendants Aguilera, Blomquist, 16 Gustafson, and Walker concerning their qualified immunity defenses. 17 18 Dated: March 31, 2017 19 20 Troy L. Nunley United States District Judge 21 22 23 24 25 26 27 28