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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DIXON,
Plaintiff,
v.
DAVID OLEACHEA, et al.,
Defendant.

No. 2:15-cv-2372 KJM AC 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 18, 2020, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff and defendant Oleachea have filed objections to the findings and recommendations, defendant Hall has responded to plaintiff's objections and plaintiff has responded to defendant Oleachea's objections. ECF Nos. 110, 111, 112, 119.

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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 18, 2020, are adopted in full.
2. Plaintiff's motion for summary judgment, ECF No. 75, is DENIED.
3. Defendant Hall's motion for summary judgment, ECF No. 82, is GRANTED and Hall is DISMISSED from this action.
4. Defendant Oleachea's motion for summary judgment, ECF No. 89, is GRANTED IN PART and DENIED IN PART as follows:
 - a. GRANTED as to plaintiff's retaliation claim; and
 - b. DENIED as to plaintiff's excessive force claim.
5. This case shall proceed to trial on plaintiff's excessive force claim against defendant Oleachea.

DATED: July 12, 2021.



CHIEF UNITED STATES DISTRICT JUDGE