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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GRADY HARRIS,  
Plaintiff,  
v.  
JEFF MACOMBER, et al.,  
Defendants.

No. 2:16-cv-00830-TLN-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 September 8, 2022, 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. 140.) Neither party has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the 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 September 8, 2022 (ECF No. 140) are ADOPTED in full; and
2. Defendants’ Motion for Summary Judgment (ECF No. 118) is GRANTED in part and DENIED in part as follows:
  - a. Summary judgment is GRANTED as to Defendants Calderon, Rose, Fuller, Cervantes, and Thompson. These Defendants are DISMISSED without prejudice;
  - b. Summary judgment is GRANTED as to Plaintiff’s retaliation claim. This claim is DISMISSED without prejudice; and
  - c. Summary judgment is DENIED as to Plaintiff’s excessive force claim against Defendants Munoz, Fong, and Williamson.

**DATED: September 29, 2022**

  
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Troy L. Nunley  
United States District Judge