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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MARIO AMADOR GONZALEZ,
Plaintiff,
v.
CLOUGH, et al.,
Defendants.

No. 2:17-CV-0176-WBS-DMC-P

ORDER

Plaintiff, a prisoner proceeding with retained counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 3, 2022, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge’s analysis.


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 3, 2022, are adopted in full;
2. Defendants' motion to dismiss, ECF No. 68, is granted;
3. Plaintiff's Fourth Amendment claim (first claim) is dismissed with prejudice;
4. Plaintiff's due process and related claims (second claim) are dismissed with prejudice;
5. Plaintiff's conspiracy claims (fourth and fifth claims) are dismissed with prejudice;
6. Plaintiff's state law claims (sixth and seventh claims) are dismissed with prejudice;
7. Plaintiff's Eighth Amendment claims (third and eighth claims) are dismissed as against all defendants except Defendants Grinde, Bodenhamer, and Clough regarding medical needs and Defendant Burke, Cross, Valine, Lewis, Kinn, Leech, Spark, Walker, and Byers regarding excessive force;
8. This action shall proceed against Defendants Grinde, Bodenhamer, Clough, Burke, Cross, Valine, Lewis, Kinn, Leech, Spark, Walker, and Byers on Plaintiff's Eighth Amendment claims (third and eighth claims) and all other defendants are dismissed; and
9. Defendants shall file an answer to Plaintiff's seventh amended complaint within 30 days of the date of this order.

Dated: October 4, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE