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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH WILSON,  
Plaintiff,  
v.  
F. ORR, et al.,  
Defendants.

No. 2:20-cv-1715 DJC-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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 30, 2023, 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 twenty-one days. ECF No. 58. Neither party has filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendation`s filed March 30, 2023 (ECF No. 58), are

1 adopted in full

2 2. Defendants' motion for summary judgment (ECF No. 44) is granted in part  
3 and denied in part as follows:

4 a. Granted as to the claims against defendants Brazil, Bustamante, and  
5 Brones. The claims against these defendants are dismissed without prejudice for  
6 failure to exhaust administrative remedies; and

7 b. Denied as to the claims against defendant Orr.

8 3. This action proceeds on the excessive force claim against defendant Orr  
9 only. All other claims and defendants are dismissed.

10 4. The parties may file merits-based motions for summary judgment within  
11 sixty days of the service of this order.

12 5. This matter is referred back to the assigned Magistrate Judge for all further  
13 pretrial proceedings.

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16 IT IS SO ORDERED.

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18 Dated: May 16, 2023

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20 Hon. Daniel J. Calabretta  
21 UNITED STATES DISTRICT JUDGE

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