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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARLOS HERRERA,

Plaintiff,

v.

C. HALL, et al.,

Defendants.

CASE NO. 1:08-cv-01882-LJO-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS GRANNIS, HALL, MOONGA
AND ZAMORA’S MOTION FOR SUMMARY
JUDGMENT

(ECF Nos. 68, 70, 72, 75, 79)

I. Procedural History

Plaintiff Carlos Herrera (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the [first amended complaint](#), filed June 19, 2009, against Defendants Lopez, Hall, Grannis, Turella, Penner, Zamora, and Moonga for deliberate indifference to serious medical needs.¹ 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 May 17, 2011, the Magistrate Judge issued [findings and recommendations](#) recommending that Defendants Grannis, Hall, Moonga, and Zamora’s [motion for summary judgment](#) be granted. Plaintiff filed [objections](#) to the findings and recommendations on August 1, 2011, and Defendants filed a [reply](#) on July 29, 2011. The Court has considered the objections and reply.

¹Defendants Dill and Bluford were dismissed from the action for Plaintiff’s failure to effect service of process on August 30, 2010. (ECF No. 65.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 de novo review of this case. Having carefully reviewed the entire file, the undersigned finds the
3 findings and recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations, filed May 17, 2011, is adopted in full;
- 6 2. Defendants Grannis, Hall, Moonga, and Zamora's motion for summary judgment,
7 filed October 29, 2010, is GRANTED;
- 8 3. Defendants Grannis, Hall, Moonga, and Zamora are dismissed from the action; and
- 9 4. This matter is referred back to the Magistrate Judge for further proceedings.

10 IT IS SO ORDERED.

11 **Dated:** August 10, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE