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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANA MCMASTER,	Case No. 1:10-cv-01407-AWI-SKO (PC)
Plaintiff,	ORDER ADOPTING SUPPLEMENTAL
v.	FINDINGS AND RECOMMENDATIONS,
M. E. SPEARMAN, et al.,	AND GRANTING DEFENDANTS GARCIA
Defendants.	AND CARLSON'S MOTION FOR
	SUMMARY ADJUDICATION ON EIGHTH
	AMENDMENT CLAIM
	(Docs. 65 and 116)

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Plaintiff Dana McMaster, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 6, 2010. This action is currently proceeding on Plaintiff's Second Amended Complaint, filed January 3, 2013, against Defendants Carlson, Garcia, Sedwick, Espitia, and Pease for failing to protect him, in violation of the Eighth Amendment, and against Defendant Carlson for retaliation, in violation of the First Amendment. The events giving rise to Plaintiff's claims allegedly occurred between March 7, 2009, and April 20, 2009, at Pleasant Valley State Prison in Coalinga, California.

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 November 23, 2015, the Magistrate Judge filed a Supplemental Findings and Recommendations, which was served on the parties and contained

1 notice to the parties that any objections were to be filed within twenty days.<sup>1</sup> No objections were  
2 filed. Local Rule 304(b).

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Supplemental Findings and Recommendations, filed on November 23, 2015, is  
8 adopted in full; and
- 9 2. Defendants Garcia and Carlson’s Motion for Summary Adjudication on the Eighth  
10 Amendment claim against them is GRANTED.

11 IT IS SO ORDERED.

12 Dated: December 23, 2015

  
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14 SENIOR DISTRICT JUDGE

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28 <sup>1</sup> On November 13, 2014, Defendant Garcia and Carlson’s Motion for Summary Adjudication on the Eighth  
Amendment claim against them was continued pending completion of further discovery. Fed. R. Civ. P. 56(d).  
(Docs. 97, 101.)