

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL MONTANEZ,

CASE NO. 1:10-cv-01931-AWI-BAM PC

Plaintiff,

v.

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANT’S MOTION TO DISMISS;
DENYING PLAINTIFF’S MOTION FOR
SANCTIONS; AND STRIKING PLAINTIFF’S
COUNTER MOTION

F. GONZALEZ, et al.,

Defendants.

(Doc. Nos. 41, 51, 52, 56)

THIRTY-DAY DEADLINE

_____ /

Plaintiff Paul Montanez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 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 October 22, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice that any objection to the Findings and Recommendations was to be filed within thirty days. More than thirty days have passed and on objection to the Findings and Recommendations has been filed.

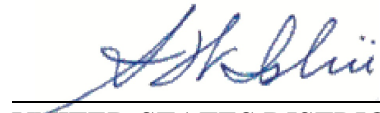
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed October 22, 2012, is adopted in full;
3 2. Defendant's Motion to Dismiss (Doc. 41), filed June 11, 2012, is DENIED;
4 3. Plaintiff's Motion for Sanctions (Doc. 51), filed September 4, 2012, is DENIED;
5 4. Plaintiff's Counter Motion (Doc. 52), filed September 4, 2012, is STRICKEN FROM
6 THE RECORD; and
7 5. Within thirty days from the date of service of this Order, Defendant shall file an
8 answer to the second amended complaint.

9 IT IS SO ORDERED.

10 Dated: December 5, 2012


11 _____
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28