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

TERRY JOE BURTON,

No. CIV S-05-2131-FCD-CMK-P

Plaintiff,

vs.

ORDER

ADAMS, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, 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 December 27, 2007, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within 20 days. Timely objections to the findings and recommendations have been filed.

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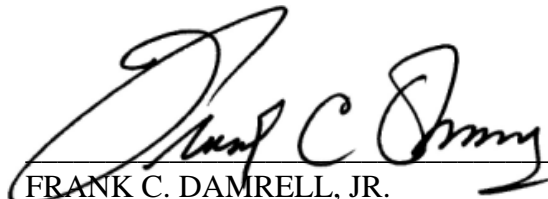
1 In his objections, plaintiff states the magistrate judge did not address his claim of  
2 "censorship." Specifically, he alleges that defendants used white out to cover the court's return  
3 address on mail sent by the court and that this resulted in the mail being "disallowed" under  
4 prison rules requiring a return address on all mail. The magistrate judge did, however, address  
5 this issue to the extent he concluded that incoming legal mail from the courts is not protected  
6 under the First Amendment. Moreover, as defendants argued in their motion for summary  
7 judgment, plaintiff admitted in his deposition that he did not know which defendant allegedly  
8 tampered with his legal mail. Thus, plaintiff has no evidence to establish any genuine dispute as  
9 to this claim. Finally, the undisputed facts reveal that plaintiff ultimately received the mail in  
10 question.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
12 304, this court has conducted a de novo review of this case. Having carefully reviewed the  
13 entire file, the court finds the findings and recommendations to be supported by the record and  
14 by proper analysis.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendations filed December 27, 2007, are adopted  
17 in full;
- 18 2. Defendants' motion for summary judgment (Doc. 54) is granted; and
- 19 3. The Clerk of the Court is directed to enter judgment in favor of defendants  
20 and against plaintiff and to close this file.

21 DATED: February 4, 2008.

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25 FRANK C. DAMRELL, JR.  
26 UNITED STATES DISTRICT JUDGE