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

J.R. WILKERSON

Plaintiff,

vs.

CIV S-05-2482 LKK DAD P

WOODFORD, et al.

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se in an action under 42 U.S.C. § 1983. On March 31, 2011, the district judge assigned to this case adopted the magistrate judge’s findings and recommendations, granted defendants’ motion for summary judgment and ordered the case closed with final judgment entered in favor of defendants. At the time, plaintiff had not filed any objections to the magistrate judge’s findings and recommendations. Then, on April 25, 2011, plaintiff filed a motion pursuant to Fed.R.Civ.P. 60 (b), which allows for relief from an order of final judgment. Plaintiff filed his objections to the findings and recommendations on the same day.

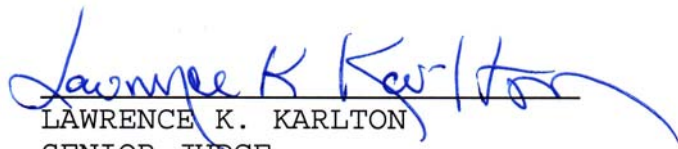
In his motion, plaintiff states that his restricted access to the prison law library and his legal materials prevented him from filing objections within the fourteen days prescribed by the magistrate judge’s findings and recommendations. See Motion at 2 (Docket No. 53). Based

1 on that representation, the court accepts plaintiff's objections as timely filed, nunc pro tunc.
2 However, having reviewed the objections, the court finds no reason to vacate or amend the
3 findings and recommendations or to modify the order of final judgment. The motion for relief
4 from final judgment will be denied.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's objections to the findings and recommendations of March 11, 2011,
7 (Docket No. 54) are accepted as timely filed, nunc pro tunc.
- 8 2. The motion filed pursuant to Rule 60(b) for relief from final judgment (Docket
9 No. 53) is denied.

10 DATED: August 25, 2011.

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14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
16 UNITED STATES DISTRICT COURT
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