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

SHAWN CURTIS DONGES,

Plaintiff,

No. CIV S-09-0360 LKK DAD P

vs.

DON DURETT, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 May 31, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Although plaintiff filed objections to the findings and recommendations, the court inadvertently stated he did not and adopted the findings and recommendations in full because they were supported by the record and by the magistrate judge’s analysis. In the interest of justice, the court will vacate its order.


The court has reviewed plaintiff’s objections. In addition in accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo

1 review of this case. Having carefully reviewed the entire file, the court finds the findings and
2 recommendations to be supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The court's July 25, 2011 order is vacated;
- 5 2. The findings and recommendations filed May 31, 2011, are adopted in full;
- 6 3. Defendant Flicker's September 23, 2010 motion for summary judgment (Doc.
7 No. 42) is granted; and
- 8 4. Defendant Flicker is dismissed from this action.

9 DATED: August 9, 2011.

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