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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KAVIN M. RHODES,
Plaintiff,

v.

M. ROBINSON, et al.,
Defendants.

Case No. 1:02-cv-05018 LJO DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATION REGARDING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT
[ECF No. 311]

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
[ECF No. 296]

Plaintiff Kavin M. Rhodes, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 4, 2002.

On September 2, 2014, the Magistrate Judge issued Findings and Recommendations that recommended Defendants' motion for summary judgment be GRANTED IN PART and DENIED IN PART. The Findings and Recommendations were served on all parties and contained notice that any objections were to be filed within thirty (30) days. On November 10, 2014, Plaintiff filed objections.

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, including Plaintiff's objections, the Court finds that the Findings and Recommendations are supported by the record and by proper analysis.

1 **ORDER**

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed September 2, 2014, are ADOPTED in full;
- 4 2. Defendants’ motion for summary judgment is GRANTED IN PART and DENIED IN
- 5 PART, as follows:
- 6 a) Defendant’s motion for summary judgment on Counts One and Two against
- 7 Defendants Pazo, Tidwell, and Wenciker is DENIED;
- 8 b) Defendant’s motion for summary judgment on Count Three against Defendant
- 9 Lopez is GRANTED;
- 10 c) Defendants’ motion for summary judgment on Count Six against Defendant
- 11 Chapman is GRANTED, and Defendant Chapman is DISMISSED from this action;
- 12 d) Defendants’ motion for summary judgment on Count Eight is GRANTED against
- 13 Defendant Lopez and DENIED against Defendant Todd;
- 14 e) Defendants’ motion for summary judgment on Count Ten against Defendants
- 15 Lopez, Garza, and Matzen is DENIED; and
- 16 f) Defendants’ motion for summary judgment on Count Eleven against Defendant
- 17 Lopez is DENIED.
- 18 3. The matter is REFERRED BACK to the Magistrate Judge for further proceedings.

19 IT IS SO ORDERED.

20 Dated: December 28, 2014

21 /s/ Lawrence J. O’Neill
22 UNITED STATES DISTRICT JUDGE