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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS, IV,

Plaintiff,

v.

ALLEN K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:06-cv-01280-AWI-GSA PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS PARTIAL SUMMARY
JUDGMENT ON PLAINTIFF’S CLAIMS FOR
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS AND ASSAULT
AND BATTERY UNDER CALIFORNIA LAW

(Docs. 82 and 85)

Plaintiff, George E. Jacobs, IV (“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 72-302.

On September 11, 2009, the Magistrate Judge filed a Findings and Recommendations that recommended Defendants’ motion for partial summary judgment be granted. The Findings and Recommendations were served on the parties and contained notice to the parties that Objections were to be filed within thirty days. Plaintiff filed an objection on September 30, 2009.

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. Plaintiff’s basic objection is that Defendants filed their motion after the time allowed to file dispositive motions. However, after noting that Plaintiff has continued to conduct discovery after the time allowed, the Magistrate Judge recently granted Defendants’ request to file a late motion for summary judgment.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed September 11, 2009, is adopted in full;
- 3 2. Motion for summary judgment as a matter of law by Defendants Martinez, German,
- 4 and Northcutt on Plaintiff's claims against them for intentional infliction of
- 5 emotional distress and assault and battery under California law is GRANTED; and
- 6 3. This matter is referred to the Magistrate Judge for further proceedings.

7

8 IT IS SO ORDERED.

9 Dated: November 16, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE