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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JAMES JORDAN,

Plaintiff,

v.

R. CHAPNICK,

Defendants.

CASE NO. 1:07-cv-202-OWW-MJS (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING IN  
PART AND DENYING IN PART  
DEFENDANT’S MOTION FOR SUMMARY  
JUDGMENT

(ECF Nos. 46 & 83)

COURT WILL ISSUE SEPARATE ORDER  
SETTING CASE FOR TRIAL

Plaintiff James Jordan, a former state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief 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 302.

On February 15, 2011, the Magistrate Judge filed a Findings and Recommendation recommending that Defendant’s Motion for Summary Judgment be granted in part and denied in part. (ECF No. 83.) The parties were ordered to file any objections no later than March 1, 2011. To date, neither party has filed objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation, filed February 15, 2011, is adopted in full;
2. Defendant's Motion for Summary Judgment is GRANTED as to Plaintiff's claims arising out of Defendant Chapnick's supervisory authority and/or role as Chief Medical Officer;
3. Defendant's Motion for Summary Judgment is DENIED as to Plaintiff's claim involving Defendant's delayed response to Plaintiff's second level appeal; and
4. This case will be set for trial on whether Defendant Chapnick's delayed response to Plaintiff's second level appeal violated Plaintiff's Eighth Amendment rights. The Court will issue a separate order with further instructions for the parties as to the trial of this matter. IT IS SO ORDERED.

**Dated: March 23, 2011**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**