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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH R. PULLIAM,

1:07-cv-0964-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

v.

(ECF No. 62)

M. LOZANO, et al.,

Defendants.

_____/

Plaintiff Joseph R. Pulliam ("Plaintiff") is a state prisoner proceeding pro se 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 302.

On November 30, 2012, the Magistrate Judge filed a Findings and Recommendations, recommending that Defendants Lozano and Mason's motion for summary judgment be denied. (ECF No. 91.) Defendants have filed objections. (ECF No. 92.) Plaintiff has filed a response to Defendants' objections. (ECF No. 93.)

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Defendants argue Plaintiff's claims are barred
3 by Heck v. Humphrey, 512 U.S. 477 (1994) and Edwards v. Balisok, 520 U.S. 641 (1997) because
4 a finding in Plaintiff's favor would require a reversal of Plaintiff's Rules Violation Report in which
5 Plaintiff was found guilty of battery on a peace officer. (ECF No. 92.) In this matter, Plaintiff's
6 claims would be barred by Heck if a finding in his favor would affect his loss of good time credits.
7 Defendants fail to explain why even though Plaintiff was found guilty of a battery, his actual loss
8 of good time credits was for assault rather than battery. In this case, a finding in Plaintiff's favor
9 would not affect his loss of good time credits for assault. Having carefully reviewed the entire file,
10 the Court finds the Findings and Recommendations to be supported by the record and by proper
11 analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The Findings and Recommendations, filed November 30, 2012, are adopted in full;
14 and
- 15 2. Defendants Lozano and Mason's motion for summary judgment is DENIED.

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25 IT IS SO ORDERED.

26 Dated: March 25, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE