UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GARY H. BRUSH,

Plaintiff,

v.

J. WOODFORD, et al.,

Defendants.

/

CASE NO. 1:07-cv-01009-LJO-SMS PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND PARTIALLY GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

(ECF Nos. 102, 113, 120)

Plaintiff Gary H. Brush ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. At this juncture, this action is proceeding on Plaintiff's first amended complaint, filed June 30, 2008, against Defendants J. Harper, Ortiz, Lee, Jasso, Rangel, Gonzales, Cano, N. Greene, King, and Catalano. 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 issued findings and recommendations recommending that Defendants Harper, Ortiz, Lee, Jasso, King, and Catalano's motion for summary judgment be partially granted. The parties were given thirty days within which to file objections, and none were filed.

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.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed February 15, 2011, is adopted in full;

2. Defendant's motion for summary judgment, filed September 16, 2010, is PARTIALLY GRANTED and summary judgment is granted in favor of Defendant Ortiz;

3. Defendants' motion for summary judgment is DENIED in all other respects; and

4. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: March 29, 2011

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