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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>DEXTER S.C. FARLOUGH,</b>	)	<b>1:07-CV-1108 AWI YNP (SMS) PC</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER ADOPTING FINDINGS AND</b>
	)	<b>RECOMMENDATION</b>
<b>v.</b>	)	
	)	<b>ORDER DENYING MOTION FOR</b>
<b>NICHOLAS DAWSON, et al.,</b>	)	<b>SUMMARY JUDGMENT</b>
	)	
<b>Defendants.</b>	)	<b>(Document #14)</b>

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Plaintiff is a state prisoner who is proceeding with a 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 May 1, 2009, the Magistrate Judge filed Findings and Recommendations, recommending that Plaintiff’s motion for summary judgment be denied. The Findings and Recommendations were served on Plaintiff and gave notice that Plaintiff could file objections. On May 11, 2009, 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. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the Findings and Recommendations to be supported by the record and by proper analysis. The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or

1 employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint  
2 or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that  
3 fail to state a claim upon which relief may be granted, or that seek monetary relief from a  
4 defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). The Magistrate Judge  
5 has not yet screened Plaintiff’s complaint. The court recognizes that this action has been  
6 delayed. However, Defendants have not yet made an appearance in this action. As such, any  
7 motion for summary judgment by Plaintiff is premature.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendations filed May 1, 2009, are ADOPTED;
- 10 2. Plaintiff’s motion for summary judgment, is DENIED; and
- 11 3. This action is REFERRED to the Magistrate Judge for screening pursuant to 28  
12 U.S.C. § 1915A(a).

13  
14 IT IS SO ORDERED.

15 **Dated: September 18, 2009**

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