

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

ANTHONY SLAMA,
Plaintiff,
v.
CITY OF MADERA, MADERA
POLICE DEPT., OFFICER CHAVEZ,
OFFICER SHEKIANIAN, and DOES
1 through 100,
Defendants.

1:08-cv-810 AWI SKO
ORDER ADOPTING
FINDINGS AND
RECOMMENDATION,
ORDER GRANTING
PLAINTIFF'S MOTION FOR
RECONSIDERATION, and
ORDER VACATING PRIOR
SUMMARY JUDGMENT
ORDERS

(Doc. Nos. 56, 59, 63, 73)

This case arose from an encounter between Plaintiff and members of the City of Madera Police Department. On April 16, 2010, the Court granted summary judgment for Defendants on all claims save one. See Doc. No. 56. On May 20, 2010, after having authorized a second summary judgment, the Court granted summary judgment for Defendants on Plaintiff's last claim. See Doc. No. 59. The case closed on May 20, 2010.

On April 15, 2011, Plaintiff filed a *pro se* motion requesting relief under Rule 60. Plaintiff also requested that he represent himself, and that his attorney of record, Steve Geringer, be relieved. On July 21, 2011, the Court referred the matters to Magistrate Judge Shiela K. Oberto pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 for the entry for Findings and Recommendations.¹

On July 27, 2011, the Magistrate Judge relieved attorney Geringer and substituted Plaintiff to represent himself.

¹The referral order indicated that no Finding and Recommendation was needed with respect the issue of Plaintiff's representation in this case.

1 On August 22, 2011, the Magistrate Judge Issued a Findings and Recommendation. The
2 Magistrate Judge found that attorney Geringer had essentially abandoned his client and that
3 reconsideration should be granted, the orders on summary judgment be set aside, and Plaintiff be
4 given sixty (60) days to file oppositions to Defendants' motions for summary judgment. The
5 Findings and Recommendation stated that objections were due within fifteen (15) days of
6 service.

7 Fifteen days have passed, and no party has filed any objections to the Findings and
8 Recommendation.

9 Having fully reviewed Plaintiff's motion, the analysis of the Findings and
10 Recommendation, and the papers on file as required by 28 U.S.C. § 636, the Court agrees with
11 the Findings and Recommendation. The Court finds the Findings and Recommendation to be
12 supported by the record and by proper analysis.

13
14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The August 22, 2011, Findings and Recommendation is ADOPTED IN FULL;
- 16 2. Plaintiff's Rule 60 motion for reconsideration is GRANTED;
- 17 3. The Clerk shall RE-OPEN this case;
- 18 4. The Court's orders on Defendants' motions for summary judgment (Doc. Nos. 56 & 59)
19 are VACATED;
- 20 5. Plaintiff shall file a response to Defendants' two motions for summary judgment (Doc.
21 Nos. 53 & 57) with sixty (60) days of service of this order;² and
- 22 6. Defendants shall file a reply to Defendants' opposition within ten (10) days of the service
23 of the opposition.

24
25 IT IS SO ORDERED.

26 Dated: September 11, 2011

27 
28 _____
CHIEF UNITED STATES DISTRICT JUDGE

²Plaintiff's opposition shall comply with Federal Rule of Civil Procedure 56 and Eastern District of California Local Rule 260.