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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS OLIVEREZ, JR.,

Plaintiff,

v.

BEN ALBITRE, et al.,

Defendants.

CASE NO. 1:09-cv-00352-LJO-SKO PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART AND DENYING IN PART
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND REQUIRING PARTIES TO
FILE STATUS REPORTS WITHIN THIRTY
DAYS REGARDING SETTLEMENT
CONFERENCE

(Docs. 36 and 49)

Plaintiff Louis Oliverez, Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action for damages is proceeding on Plaintiff's amended complaint, filed on May 7, 2009, against Defendants Albitre and Adams for violation of the Free Exercise Clause of the First Amendment of the United States Constitution.

This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On August 31, 2012, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within fifteen days. The parties have not filed timely objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed on August 31, 2012, is adopted in full;
- 3 2. Defendant Adams' motion for summary judgment is GRANTED as to Plaintiff's free
- 4 exercise claim against;
- 5 3. Defendant Albitre's motion for summary judgment as to Plaintiff's free exercise
- 6 claim against him is DENIED and Defendant Albitre's motion for summary
- 7 judgment on the ground of qualified immunity is DENIED;
- 8 4. The parties are ordered to file status reports within **thirty (30) days** from the date of
- 9 service of this order regarding their position on having a settlement conference prior
- 10 to the expenditure of any resources on trial preparation; and
- 11 5. This matter is referred back to the Magistrate Judge to set a trial date.

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14 IT IS SO ORDERED.

15 Dated: September 24, 2012

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