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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERDINAND REYNOLDS,

CASE NO. 1:09-cv-00680-AWI-GBC (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION
(Doc. 58)

v.

K. GERSTEL, et al.,

ORDER DENYING PLAINTIFF’S MOTION
FOR SUMMARY JUDGMENT
(Doc. 42)

Defendants.

ORDER GRANTING IN PART AND
DENYING IN PARTY DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT
(Doc. 52)

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I. Procedural History

Plaintiff Ferdinand Reynolds (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 16, 2009. (Doc. 1). 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 September 7, 2010, Plaintiff filed a motion for summary judgment. (Doc. 42). Defendant filed the opposition on September 23, 2010. (Doc. 44). Plaintiff filed the reply on October 4, 2010. (Doc. 44). On February 28, 2011, Defendant filed a motion for summary judgment. (Doc. 52). On March 10, 2011, Plaintiff filed an opposition and declaration. (Docs. 53, 54). On March 15, 2011, Defendant filed a reply. (Doc. 55).

On July 7, 2011, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties which contained notice that any objections to the Findings and

1 Recommendations were to be filed within thirty days. (Doc. 58). Plaintiff filed objections on
2 August 15, 2011. (Doc. 19). In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this
3 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
4 Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations filed on July 7, 2011, is adopted in full (Doc.
7 58);
- 8 2. Plaintiff's motion for summary judgment (Doc. 42), filed September 7, 2010, is
9 DENIED; and
- 10 3. Defendant's motion for summary judgment (Doc. 52), filed February 28, 2011, is
11 GRANTED IN PART to the issue of renewal of Plaintiff's pain prescription and
12 DENIED IN PART to the issue of deliberate indifference involving the extraction of
13 Plaintiff's tooth on August 18, 2008.

14 IT IS SO ORDERED.

15 Dated: September 29, 2011

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17 CHIEF UNITED STATES DISTRICT JUDGE