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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PATRICK KUNKEL,

Plaintiff,

v.

N. DILL, et al.,

Defendants.

CASE NO. 1:09-cv-00686-LJO-BAM PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
GRANTING DEFENDANT ZAMORA’S
MOTION FOR SUMMARY JUDGMENT
(ECF No. 175)

Plaintiff Patrick Kunkel (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this 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 302.

On November 19, 2012, the Magistrate Judge issued [findings and recommendations](#) that Defendant Sharon Zamora’s motion for summary judgment be GRANTED. The findings and recommendations were served on the parties and contained notice that any objections were to be filed within thirty days. On December 20, 2012, Plaintiff filed [objections](#) to the findings and recommendations. (ECF No. 176.) Defendant Zamora filed a [reply](#) to the objections on December 28, 2012. (ECF No. 177.)

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, including Plaintiff’s objections and Defendant’s reply, the Court finds that the findings and recommendations are supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations issued on November 19, 2012, are adopted in
3 full;
- 4 2. Defendant Zamora's motion for summary judgment is GRANTED;
- 5 3. The Clerk of the Court is directed to enter judgment in favor of Defendant Zamora
6 and against Plaintiff Patrick Dunkel; and
- 7 4. This action is now proceeding against Defendants Garcia, Robaina, Dileo and
8 Mackey for deliberate indifference in violation of the Eighth Amendment.
- 9

10 IT IS SO ORDERED.

11 Dated: January 7, 2013

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