

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HARBRIDGE,
Plaintiff,
v.
R. H. TRIMBLE, *et al.*,
Defendants.

No. 1:10-cv-00473-DAD-JLT

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART AND DENYING IN PART
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 103, 122)

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to the assigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On May 8, 2015, defendants filed a motion for summary judgment. (Doc. No. 103.) On February 12, 2016, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motion for summary judgment be granted in part and denied in part. (Doc. No. 122.) Those findings and recommendation were served on the parties that same day and allowed thirty days from the date of service for objections thereto to be filed. (*Id.*) After receiving extensions of time to do so, plaintiff eventually filed objections which merely repeat and duplicate various arguments asserted in his opposition to the motion. (Doc. No. 127.)

1 Defendants filed no objections and the time to do so has passed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, including the objections
4 filed by plaintiff, the court finds the findings and recommendations to be supported by the record
5 and by proper analysis. While plaintiff clearly does not agree with many of the magistrate
6 judge's findings and/or recommendations, he has presented no compelling reason why they
7 should not be adopted. Indeed, plaintiff's arguments are largely duplicative of those he made in
8 opposition to the motion for summary judgment. (*Compare* Doc. No. 127 *with* Doc. No. 113.)
9 Those arguments were fully considered and properly rejected by the assigned magistrate judge.
10 Accordingly, the findings and recommendations are adopted in full.

11 Accordingly:

12 1. The findings and recommendations, issued on February 12, 2016 (Doc. No. 122), are
13 adopted in full:

14 2. Defendants' motion for summary judgment, filed on May 8, 2015 (Doc. No. 103), is
15 granted in part and denied in part as follows:

- 16 a. GRANTED on the merits as to Claim 1 against defendants Trimble, Brown,
17 Reeves, Munoz, and Singleton;
- 18 b. DENIED on the merits of Claim 9 against defendants Brown, Reeves, and
19 Collier;
- 20 c. DENIED on the merits of Claims 12 and 14 against defendant McBride;
- 21 c. DENIED on the merits of Claim 16 against defendants Herrera and McBride;
- 22 d. DENIED on the merits of Claim 17 against defendants Hall and Lee;
- 23 e. GRANTED with respect to plaintiff's failure to exhaust his administrative
24 remedies prior to filing suit as required as to Claim 9 against defendants Brown,
25 Reeves, and Collier;
- 26 f. GRANTED with respect to plaintiff's failure to exhaust his administrative
27 remedies prior to filing suit as required as to Claims 12, 13, and 14 against
28 defendants Redding, Franco, and McBride;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

g. GRANTED with respect to plaintiff's failure to exhaust his administrative remedies prior to filing suit as required as ton Claim 16 against defendants Herrera and McBride; and

h. DENIED as to plaintiff's Claim 17 against defendants Hall and Lee because plaintiff exhausted his administrative remedies prior to filing suit as to that claim; and

3. The matter is referred back to the magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: July 26, 2016



UNITED STATES DISTRICT JUDGE