

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  
EASTERN DISTRICT OF CALIFORNIA**

TONY HERNANDEZ,	)	Case No.: 1:10-cv-01064-LJO-SAB (PC)
Plaintiff,	)	
v.	)	ORDER ADOPTING FINDINGS AND
M. MARTINEZ, et al.,	)	RECOMMENDATIONS, DENYING
Defendants.	)	DEFENDANTS' MOTION TO STRIKE
	)	SURREPLY, DENYING MOTION FOR
	)	JUDGMENT ON THE PLEADINGS, DENYING
	)	MOTION FOR SEVERANCE, AND DIRECTING
	)	DEFENDANTS TO FILE FURTHER RESPONSE
	)	TO COMPLAINT WITHIHN THIRTY DAYS
	)	
	)	[ECF Nos. 32, 34, 41, 42]
	)	

Plaintiff Tony Hernandez is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 12, 2014, the Magistrate Judge issued a Findings and Recommendation to deny Defendants' motion to strike Plaintiff's surreply, deny Defendants' motion for judgment on the pleadings, and deny Defendants' motion for severance. (ECF No. 42.) The Findings and Recommendations were served on both parties and contained notice that objections were to be filed within thirty days. The thirty day time frame has expired and no objections were filed.

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.

///

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

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on November 12, 2014, is adopted in full; and
2. Defendants' motion to strike Plaintiff's surreply is DENIED;
3. Defendants' motion for judgment on the pleadings is DENIED, to renewal by way of a motion for summary judgment;
4. Defendants' motion for severance is DENIED, without prejudice; and
5. Defendants shall file a further response to the operative complaint within thirty (30) days from the date of service of this order.

IT IS SO ORDERED.

Dated: December 31, 2014

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