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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTORY ILSUNG,  
Plaintiff,  
v.  
ROBERT MOBERT,  
Defendant.

Case No. 1:10-cv-2070-AWI-MJS (PC)  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION TO GRANT  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT IN PART  
(ECF Nos. 49, 73)  
CASE TO REMAIN OPEN**

Plaintiff is a state prisoner who initiated this civil rights action pro se and in forma pauperis on November 8, 2010. (ECF No. 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 of the United States District Court for the Eastern District of California.

On March 2, 2015, the Magistrate Judge issued findings and recommendations to grant Defendant's motion for summary judgment in part. (ECF No. 59.) Plaintiff did not object to the findings and recommendation and the time for doing so has expired.

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 recommendation to be supported by the record and by proper analysis.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The Court adopts the findings and recommendations filed on March 2,  
3 2015 (ECF No. 73), in full;
- 4 2. Defendant's motion for summary judgment (ECF No. 49), filed on May 1,  
5 2014, is GRANTED in PART;
- 6 3. Summary judgment is granted in favor of Defendant on Plaintiff's Medical  
7 Indifference and Retaliation claims with the exception of Plaintiff's claims  
8 that he was subject to retaliation when (i) he was denied ice as authorized  
9 by his medical chrono and (ii) subject to cell searches and had property  
10 confiscated in retaliation for filing a staff complaint against Defendant;
- 11 4. Plaintiff's claims of medical indifference are HEREBY DISMISSED;
- 12 5. The case shall remain open for further proceedings on Plaintiff's remaining  
13 First Amendment Retaliation claims; and
- 14 6. This matter is referred back to the Magistrate Judge for further  
15 proceedings.

16 IT IS SO ORDERED.

17 Dated: March 25, 2015

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19 SENIOR DISTRICT JUDGE