UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AARON McCOY,

Plaintiff,

v.

M. TANN, et al.,

Defendants.

Case No. 1:11-cv-01771-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO (1) GRANT IN PART AND DENY IN PART DEFENDANTS JAMES, JONES, AND PAZ'S MOTION FOR SUMMARY JUDGMENT; AND (2) GRANT DEFENDANT JIMENEZ'S MOTION FOR SUMMARY JUDGMENT

(ECF No. 82)

CASE TO REMAIN OPEN

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 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 19, 2015, the Magistrate Judge issued findings and recommendations to grant in part and deny in part Defendants James, Jones, and Paz's motion for summary judgment, and to grant Defendant Jimenez's motion for summary judgment. (ECF No. 82.) Specifically, the Magistrate Judge concluded that summary judgment should be granted in favor of Defendants James and Jimenez, but denied as to Defendants Jones and Paz. Defendants filed no objections. Plaintiff objects to the

recommendation to grant summary judgment in favor of Defendant James. He concedes that summary judgment is appropriate for Defendant Jimenez. (ECF No. 83.)

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. Plaintiff's objections do not raise an issue of fact or law under the findings and recommendations.

Accordingly, it is HEREBY ORDERED that:

1. The Court adopts the findings and recommendations, filed on March 19, 2015 (ECF No. 82), in full;
2. Defendants James, Jones, and Paz's motion for summary judgment (ECF No. 57) is GRANTED IN PART AND DENIED IN PART as follows:
    a. Summary judgment is granted in favor of Defendant James, and
    b. Summary judgment is denied as to Defendants Jones and Paz;
3. Defendant Jimenez's motion for summary judgment (ECF No. 60) is GRANTED; and
4. The case shall remain open for further proceedings on Plaintiff's claims against Defendants Jones and Paz.

IT IS SO ORDERED.

Dated: **April 7, 2015**

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

5.