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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN ANTHONY VELLA, Plaintiff, v. EDGAR CLARK, et al., Defendants.) Case No.: 1:12-cv-01402-LJO-SAB (PC))) ORDER ADOPTING FINDINGS AND) RECOMMENDATIONS, GRANTING IN PART) AND DENYING IN PART DEFENDANTS CLARK) AND GRAY’S MOTION FOR SUMMARY) JUDGMENT, AND GRANTING DEFENDANT) PAIK’S MOTION FOR SUMMARY JUDGMENT)) [ECF Nos. 35, 39, 52]))
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Plaintiff John Anthony Vella is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 27, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that objections to the Findings and Recommendations were to be filed within thirty days. Defendants filed objections on August 24, 2015.

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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed on July 27, 2015, is adopted in full; and
- 2. Summary judgment is GRANTED in favor of Defendant Clark on Plaintiff’s claim that

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he delayed issuance of crutches;

3. Summary judgment is GRANTED in favor of Defendant Clark on Plaintiff's claim that he delayed treatment or emergency transport for the fall and re-injury of his foot;

4. Summary judgment is DENIED as to Plaintiff's claim that Defendants Clark and Gray refused to provide a dosage of Morphine and refused to act on Plaintiff's call of "man down";

5. Summary judgment is DENIED as to Plaintiff's claim that Defendant Clark delayed in providing a follow-up appointment with Dr. Paik;

6. Summary judgment is GRANTED as to Plaintiff's claim that Defendant Clark failed to treat Plaintiff's foot infection following removal of the foot cast;

7. Defendant Gray is DENIED qualified immunity; and

8. Summary judgment is GRANTED in favor of Defendant Dr. Paik.

IT IS SO ORDERED.

Dated: September 28, 2015

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