

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 STEVEN VLASICH,

10 Plaintiff,

11 v.

12 DR. C. NAREDDY and DR. O.
13 BEREGOVSKAYA,

14 Defendants.

Case No. 1:13-cv-00326-LJO-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR EXTENSION
OF TIME

(ECF. NOS. 41, 53, & 58)

15 Steven Vlasich ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
16 with this civil rights action filed pursuant to 42 U.S.C. § 1983. This action now proceeds on
17 Plaintiff's Second Amended Complaint, against defendants Dr. C. Nareddy and Dr. O.
18 Beregovskaya ("Defendants") on a claim for inadequate medical care in violation of the Eighth
19 Amendment. (ECF Nos. 17, 18, 21, & 22). The matter was referred to a United States
20 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On March 7, 2017, Defendants filed a motion for summary judgment. (ECF No. 41).
22 On April 24, 2017, Plaintiff filed his opposition to the motion. (ECF No. 48). On May 1,
23 2017, Defendants filed a reply to Plaintiff's opposition (ECF No. 50) and evidentiary
24 objections to materials submitted by Plaintiff in opposition to Defendants' motion for summary
25 judgment (ECF No. 51).

26 On July 26, 2017, Magistrate Judge Erica P. Grosjean entered findings and
27 recommendations, recommending that Defendants' motion for summary judgment be denied.
28

1 (ECF No. 53). The parties were provided an opportunity to file objections to the findings and
2 recommendations within twenty-one days. Defendants filed objections to the findings and
3 recommendations. (ECF No. 57). Plaintiff did not file objections to the findings and
4 recommendations, or a reply to Defendants' objections. However, Plaintiff did file a motion
5 for an extension of time to file a reply to Defendants' objections. (ECF No. 58).

6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
7 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
8 including the objections, the Court finds the findings and recommendations to be supported by
9 the record and proper analysis. The Court agrees with the overall conclusion of the F&Rs that
10 Plaintiff's claims are supported by evidence and reasonable inferences drawn from that
11 evidence. Although Defendants have produced considerable evidence that contradicts
12 Plaintiff's claims, disputes of material fact still remain as to all claims against all defendants,
13 precluding summary judgment.

14 As the Court is adopting the magistrate judge's findings and recommendations, it is
15 unnecessary for Plaintiff to file a reply to Defendants' objections. Therefore, the Court will
16 deny Plaintiff's motion for extension of time.

17 Accordingly, THE COURT HEREBY ORDERS that:

- 18 1. The findings and recommendations issued by the magistrate judge on July 26, 2017,
19 are ADOPTED in full;
- 20 2. Defendants' motion for summary judgment is DENIED;
- 21 3. Plaintiff's motion for extension of time is DENIED; and
- 22 4. This case is referred back to the magistrate judge for further proceedings.

23
24 IT IS SO ORDERED.

25 Dated: October 6, 2017

26 /s/ Lawrence J. O'Neill
27 UNITED STATES CHIEF DISTRICT JUDGE
28