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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,,  
Plaintiff,  
v.  
VOGEL, et al.,  
Defendants.

1:13-cv-00525-AWI-SKO (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS THAT BOTH  
PLAINTIFF’S AND DEFENDANT  
ZAMORA’S MOTIONS FOR SUMMARY  
JUDGMENT BE DENIED  
  
(Docs. 69, 76, 83)

Plaintiff, Durrell Anthony Puckett, is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action 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. Plaintiff is proceeding in this action on claims against Defendants Sanchez, Vogel, and Johnson for retaliation in violation of the First Amendment; against Defendants Sanchez, Vogel, Johnson, Dean, Bolander, Abadia, Lockhart, Zamora, Sisneros, Campos, and Callow for excessive force in violation of the Eighth Amendment; and against Defendants Sanchez, Vogel, and Johnson for violation of the Equal Protection Clause of the Fourteenth Amendment.

Plaintiff and Defendant Zamora filed motions for summary judgment. (Docs. 69, 76.) On January 26, 2016, the Magistrate Judge issued a Findings and Recommendations to deny both motions. (Doc. 83.) The Findings and Recommendations was served on that same date and provided thirty days for the parties to file objections. (*Id.*) Despite lapse of more than the allowed time, no objections were filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
3 Findings and Recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, issued on January 26, 2016 (Doc. 83), is  
6 adopted in full;
- 7 2. Plaintiff's motion for summary judgment (Doc. 69), filed on July 23, 2015, is  
8 DENIED;
- 9 3. Defendant Zamora's motion for summary judgment (Doc. 76), filed on September 11,  
10 2015, is DENIED; and
- 11 4. It is noted that this action has been scheduled for a settlement conference on May 5,  
12 2016. (Doc. 91.) If the settlement conference is not successful, this action will  
13 thereafter be set for trial.

14 IT IS SO ORDERED.

15 Dated: March 11, 2016

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18 SENIOR DISTRICT JUDGE