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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRELL JUNIOR LESCALLETT,
Plaintiff,
v.
R. DIAZ, et al.,
Defendants.

Case No. 1:13-cv-01342-LJO-BAM (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT BE GRANTED**
(ECF Nos. 28, 46)

Plaintiff Darrell Junior Lescallett (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983.

On March 10, 2017, the Magistrate Judge issued Findings and Recommendations that Defendants’ Gipson and Broomfield’s motion for summary judgment be granted.¹ (ECF No. 46) The Findings and Recommendations were served the parties, and contained notice that any objections were to be filed within fourteen (14) days. (*Id.*, p. 11.) More than fourteen days have passed and no objections have been filed.

In accordance with 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

¹ The Magistrate Judge also indicated that Plaintiff will be required to show cause, by separate order, why Doe Defendants should not be dismissed from this action for failure to identify them for service of process. (ECF No. 46, p. 1, n. 1.)

1 Recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations issued on March 10, 2017, are adopted in full;
- 4 2. Defendants' motion for summary judgment, filed on May 17, 2016, is GRANTED:
- 5 3. Summary judgment is GRANTED in favor of Defendants Gipson and Broomfield and
6 against Plaintiff;
- 7 4. Judgment shall be entered accordingly; and
- 8 5. This matter is referred back to the Magistrate Judge for further proceedings to address
9 the unidentified and unserved Doe Defendants.

10 IT IS SO ORDERED.

11 Dated: March 30, 2017

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

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