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

10 GARY W. VANDERBUSCH,
11 Plaintiff,
12
13 v.
14 JOHN CHOKATOS,
15 Defendant.

1:13-cv-01422-LJO-EPG (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(ECF Nos. 89, 86, 83, 79, 51)

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17 Gary W. Vanderbusch (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint
19 commencing this action on September 5, 2013. (ECF No. 1.) The matter was referred to a United
20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On December 5, 2017, Defendant, John Chokatos, filed a motion for summary. (ECF No.
22 51.) On September 13, 2018, Magistrate Judge Erica P. Grosjean entered findings and
23 recommendations recommending that the motion for summary judgment be denied. (ECF No.
24 89.) Defendant was provided an opportunity to file objections to the findings and
25 recommendations within fourteen days. The fourteen-day period has expired and Defendant has
26 not filed any objections to the findings and recommendations.

27 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
28 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the

1 Court finds the findings and recommendations to be supported by the record and proper analysis.

2 Accordingly, THE COURT HEREBY ORDERS that:

- 3 1. The findings and recommendations issued by Magistrate Judge Erica P. Grosjean on
- 4 September 13, 2018 (ECF No. 89), are ADOPTED IN FULL;
- 5 2. Defendant’s motion for summary judgment (ECF No. 51) is DENIED;
- 6 3. Plaintiff’s Motions and Declarations Objecting and Disputing Pain Specialist Dr. G.
- 7 Williams Medical Notes (ECF No. 79 at 296) is DENIED as moot;
- 8 4. Plaintiff’s Motion and Declaration Objecting and Disputing PA Fortunes Progress
- 9 Notes (ECF No. 79 at 289) is DENIED as moot;
- 10 5. Plaintiff’s Motion and Declaration Objecting and Disputing Expert Witness
- 11 Declaration (ECF No. 79 at 281) is DENIED as moot; and
- 12 6. Defendant’s Objections to Plaintiff’s Declaration and Exhibits K-1 to K-16 (ECF
- 13 No. 83) and to Plaintiff’s Four Volumes of Exhibits filed on August 27, 2018 (the
- 14 “M” Exhibits) (ECF No. 86) is OVERRULED.

15 IT IS SO ORDERED.

16 Dated: September 28, 2018

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE