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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHN SULLIVAN,
Plaintiff,
v.
M.D. BITER,
Defendant.

No. 1:15-cv-00243-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 90, 102)

Plaintiff Michael John Sullivan is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought 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.

On January 19, 2021, the assigned magistrate judge issued findings and recommendations recommending that defendant’s motion for summary judgment (Doc. No. 90) be granted and that judgment be entered in favor of defendant. (Doc. No. 102.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 15.) Thereafter, plaintiff has requested six extensions of time to file objections, all of which the court granted, but he has nonetheless still not filed any objections to the pending findings and recommendations. (Doc. Nos. 103–114.) On September 27, 2021, the court denied plaintiff’s seventh request for an

1 extension of time to file objections (Doc. No. 115), noting that plaintiff was previously warned
2 that no further extensions of time would be granted for this purpose, and that “it appears that
3 Plaintiff is simply attempting to stall this case, as he was previously granted four extensions of
4 time to file an opposition [to defendant’s motion for summary judgment], but failed to do so
5 resulting in issuance of the Findings and Recommendations without the benefit of an opposition
6 filed by Plaintiff.” (Doc. No. 116 at 2.)¹

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
8 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
9 court finds the findings and recommendations to be supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on January 19, 2021, (Doc. No. 102),
12 are adopted in full;
- 13 2. Defendant Biter’s motion for summary judgment (Doc. No. 90) is granted; and
- 14 3. The Clerk of the Court is directed to enter judgment in favor of defendant Biter
15 and close this case.

16 IT IS SO ORDERED.

17 Dated: September 29, 2021

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20 UNITED STATES DISTRICT JUDGE

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28 ¹ The court notes that defendant did not file any objections to the pending findings and recommendations.