

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

| | | |
|-------------|---|--------------------------------------|
| ALTON KING, |) | Case No.: 1:15-cv-00698-AWI-SAB (PC) |
| |) | |
| Plaintiff, |) | |
| |) | ORDER ADOPTING FINDINGS AND |
| v. |) | RECOMMENDATIONS, GRANTING IN PART |
| |) | AND DENYING IN PART DEFENDANT |
| CALISTRO, |) | CALISTRO’S MOTION FOR SUMMARY |
| |) | JUDGMENT |
| Defendant. |) | |
| |) | |
| |) | [ECF Nos. 34, 53] |

Plaintiff Alton King is appearing pro se and in forma pauperis in this 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. On September 14, 2017, the Magistrate Judge filed a Findings and Recommendations recommending that Defendant Calistro’s motion for summary judgment be granted as to Plaintiff’s claim of deliberate indifference and denied as to Plaintiff’s claim of retaliation. The Findings and Recommendations were served on the parties and contained notice that objections were to be filed within thirty days. Plaintiff filed objections on October 17, 2017.

In accordance with the provisions of 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, including Plaintiff’s objections, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on September 14, 2017, are adopted in full;
2. Defendant Calistro's motion for summary judgment is granted as to Plaintiff's claim for deliberate indifference and denied as to Plaintiff's claim for retaliation; and
3. The matter is referred back to the assigned Magistrate Judge for trial scheduling on Plaintiff's retaliation claim.

IT IS SO ORDERED.

Dated: November 30, 2017



SENIOR DISTRICT JUDGE