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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 WALTER D. CEASAR,
12 Plaintiffs,
13 v.
14 E. AGUIRRE,
15 Defendant.
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Case No. 1:15-cv-00873-LJO-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S AFFIRMATIVE
DEFENSES BE GRANTED IN PART AND
DENIED IN PART

[ECF Nos. 22, 27, 32]

18 Walter D. Ceasar, III ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis*
19 with a civil rights action filed pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 9, 10, 11). This
20 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B)
21 and Local Rule 302.

22 On March 23, 2017, the Magistrate Judge filed Findings and Recommendations that
23 Plaintiff's Motion to Strike Defendant's Affirmative Defenses (ECF No. 22) be granted in part
24 and denied in part (ECF No. 27). This was served on the parties that same day and contained
25 notice that any objections were to be filed within fourteen days. (*Id.*) The deadline for
26 objections was extended to May 10, 2017. (ECF No. 31.) Plaintiff timely filed objections (ECF
27 No. 31), but Defendant did not object.

28 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted

1 a *de novo* review of the matter. Having carefully reviewed the entire file, the court finds that
2 the Findings and Recommendations are supported by the record and proper analysis.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Findings and Recommendations, filed March 23, 2017 (ECF No. 27), are
5 adopted in full;
- 6 2. Plaintiff's Motion to Strike Defendant's Affirmative Defenses (ECF No. 21) is
7 **GRANTED IN PART** and **DENIED IN PART** as follows:
 - 8 a. Plaintiff's Motion is GRANTED as to the Second, Fourth, and Sixth
9 Affirmative Defenses with leave to amend within 14 days of this order;
 - 10 b. Plaintiff's is GRANTED as to the First, Eighth, and Ninth Affirmative
11 Defenses without leave to amend.
 - 12 c. The Motion is DENIED as to the Third, Fifth, and Seventh Affirmative
13 Defenses.

14 IT IS SO ORDERED.

15 Dated: May 23, 2017

16 /s/ Lawrence J. O'Neill
17 UNITED STATES CHIEF DISTRICT JUDGE