1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 CLIFTON HUTCHINS, JR., No. 1:15-cv-01537-DAD-HBK (PC) 12 Plaintiff. 13 ORDER ADOPTING FINDINGS AND v. **RECOMMENDATIONS** 14 A. JOHAL, (Doc. No. 73) 15 Defendant. 16 17 Plaintiff Clifton Hutchins, Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a 18 19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 7, 2021, the assigned magistrate judge issued findings and recommendations, 21 recommending that defendant Johal's motion for summary judgment (Doc. No. 59) be granted. 22 (Doc. No. 73.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 23 24 20.) On November 19, 2021, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 76.) Pursuant to the magistrate judge's order, defendant filed a 25 26 response to plaintiff's objections on November 29, 2021. (Doc. No. 79.) Plaintiff's objections 27 appear to be identical to his original opposition to defendant's pending motion for summary

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judgment. Indeed, the only difference between the two filings is that plaintiff has signed and

dated his objections, which he failed to do with respect to his opposition. Plaintiff's arguments were thoroughly and correctly addressed in the pending findings and recommendations; and the conclusion that under the undisputed evidence before the court defendant is entitled to summary judgment on plaintiff's claim of deliberate indifference to plaintiff's serious medical needs is fully supported and appropriate.

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

Accordingly,

- 1. The findings and recommendations issued on October 7, 2021 (Doc. No. 73) are adopted in full;
- 2. Defendant's motion for summary judgment (Doc. No. 59) is granted; and
- 3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: December 20, 2021

UNITED STATES DISTRICT JUDGE