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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ALLEN,

 Plaintiff,

 v.

NORM KRAMER, et al.,

 Defendants.

No. 1:15-cv-01609-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 71)

Plaintiff David Allen is a civil detainee proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 26, 2019, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motions to stay be denied, plaintiff’s motions for summary judgment be denied, defendants’ motions for summary judgment be granted in part, and plaintiff’s motion for leave to amend be denied. (Doc. No. 71.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within 14 days of service. (*Id.* at 30.) Although plaintiff sought an extension of time to object to the findings and recommendations, the magistrate judge found the request to be without merit and denied it on March 15, 2019. (Doc. Nos. 72, 73.) To date, no objections have been filed and the time period for doing so has expired.

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

4 Accordingly:

- 5 1. The findings and recommendations issued by the magistrate judge on February 26,
6 2019 (Doc. No. 71) are adopted in full;
- 7 2. Defendants' motions to stay (Doc. Nos. 51, 52) are denied;
- 8 3. Plaintiff's motions for summary judgment (Doc. Nos. 44, 45, 46, 59, 62) are
9 denied;
- 10 4. The motion for summary judgment filed on behalf of defendants Norm Kramer,
11 Pam Ahlin, and Stephen Mayberg ("State defendants") (Doc. No. 34) is granted in
12 part and denied in part;
 - 13 a. Summary judgment is granted in favor of the State defendants as to
14 plaintiff's claims for damages;
 - 15 b. Summary judgment is granted in favor of the State defendants as to
16 plaintiff's claims against defendants Ahlin and Kramer for placing him at
17 Coalinga State Hospital;
 - 18 c. The State defendants' motion for summary judgment is denied in all other
19 respects;
- 20 5. The motions for summary judgment (Doc. Nos. 32, 33) filed on behalf of
21 defendants Fresno County and Fresno Board of Supervisors' are granted;
- 22 6. Plaintiff's motion for leave to amend complaint (Doc. No. 65) is denied without
23 prejudice;
- 24 7. This action now proceeds on plaintiff's claims against defendant Mayberg for
25 approving the construction of Coalinga State Hospital in a hyperendemic area for
26 Valley Fever, and against defendant Allenby for failure to implement measures at
27 Coalinga State Hospital to mitigate the risks associated with Valley Fever;

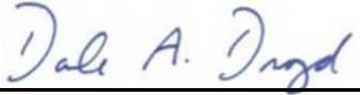
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8. All defendants except defendants Mayberg and Allenby are hereby dismissed from this action; and
9. This case is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: March 25, 2019


UNITED STATES DISTRICT JUDGE