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

EDWARD LUNA,  
  
Plaintiff,  
  
v.  
  
DR. MOON, et al.,  
  
Defendants.

Case No. 1:16-cv-00313-LJO-SAB (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
IN PART AND DENYING IN PART  
DEFENDANTS’ MOTION FOR SUMMARY  
JUDGMENT  
  
(ECF Nos. 43-46, 48-49, 51-52, 58, 59)

Edward Luna (“Plaintiff”), a state prisoner, is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary on August 1, 2018, which was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 10, 2019, the magistrate judge filed a findings and recommendations. The findings and recommendations recommended granting in part and denying in part Defendants’ motion for summary judgment. The findings and recommendations was served on the parties and contained notice that any objections to the findings and recommendations were to be filed within thirty days from the date of service.

On February 4, 2019, Plaintiff filed objections stating that he agreed with the findings and recommendations. Defendants have not filed a timely objection.

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

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations, filed January 10, 2019, is ADOPTED IN  
6 FULL;

7 2. Defendants' motion for summary judgment is GRANTED IN PART AND  
8 DENIED IN PART as follows:

9 a. Defendants' motion for summary adjudication on Plaintiff's claims related  
10 to his left hand or wrist, left carpal tunnel injury, foot, neck, and cervical  
11 spine or lumbar injury is GRANTED for failure to exhaust administrative  
12 remedies;

13 b. Defendants' motion for summary adjudication on Plaintiff's claims  
14 alleging a denial of pain medication for his right hand, wrist, and arm  
15 complaints during 2012 is GRANTED for failure to exhaust  
16 administrative remedies;

17 c. Defendants' motion for summary adjudication on Plaintiff's claims against  
18 Defendant Wang is DENIED;

19 d. This action shall proceed on Plaintiff's claims against Defendants Ulit,  
20 Moon, and Wang regarding denial of pain medication and failure to refer  
21 him for treatment for his right arm, wrist, and shoulder pain beginning in  
22 February 2013; and

23 3. This matter is referred back to the magistrate judge for issuance of a scheduling  
24 order.

25 IT IS SO ORDERED.  
26

27 Dated: February 12, 2019

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