

1 appeared that Plaintiff intended this motion to be an opposition to Defendant's motion for
2 summary judgment. Defendant Patel filed a response on October 27, 2017. (ECF No. 48.)

3 On March 29, 2018 the Court issued an order granting Plaintiff's motions regarding the
4 filing of a third amended complaint, and denying, without prejudice to re-filing, the other pending
5 motions related to discovery. (ECF No. 52.) The Court also vacated the discovery and
6 scheduling order issued on June 13, 2017. Plaintiff's third amended complaint is currently due on
7 or before May 1, 2018. (Id.)

8 On April 3, 2018, the Magistrate Judge issued findings and recommendations
9 recommending that Defendant's motion for summary judgment be denied without prejudice to re-
10 filing and Plaintiff's related motions filed in opposition be denied. (ECF No. 53.) The findings
11 and recommendations were served on the parties and contained notice that any objections were to
12 be filed within fourteen (14) days after service. (Id. at 3-4.) No objections have been filed, and
13 the deadline in which to do so has expired.

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

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The findings and recommendations issued on April 3, 2018, (ECF No. 53), are
19 adopted in full;
- 20 2. Defendant's motion for summary judgment, (ECF No. 44), is denied, without
21 prejudice to re-filing;
- 22 3. Plaintiff's motion to file factual dispute of summary judgment, motion to file criminal
23 complaint, motion for emergency trial by jury, motion to dismiss summary judgment,
24 and motion to exhaust, (ECF No. 47), is denied; and

25 ///

26 ///

27 ///

28 ///

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

4. This action is referred back to the assigned Magistrate Judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: April 27, 2018

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