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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIO ANTONIO HERNANDEZ,  
Plaintiff,  
v.  
WINFRED M. KOKOR, et al.,  
Defendants.

No. 1:16-cv-00716-DAD-JLT

ORDER GRANTING PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME, DEEMING  
PLAINTIFF'S OBJECTIONS TIMELY  
FILED, ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL AND  
DENYING PLAINTIFF'S MOTION TO  
ALTER OR AMEND JUDGMENT

(Doc. Nos. 60, 65, 66)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 7, 2018, the undersigned adopted the assigned magistrate judge's findings and recommendations and granted summary judgment in defendants' favor. (Doc. No. 58.) Judgment was entered that same day. (Doc. No. 59.) On September 21, 2018, plaintiff filed a motion to alter or amend the judgment. (Doc. No. 60.) On December 14, 2018, the magistrate judge issued findings and recommendations, recommending that plaintiff's motion be denied. (Doc. No. 65.) The findings and recommendations were served on the parties and contained

1 notice that any objections were to be filed within fourteen days. (Doc. 65.) After requesting an  
2 extension of time, plaintiff filed objections on January 16, 2019, which the court deems timely  
3 filed. (Doc. Nos. 66, 67.)

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the court has conducted a  
5 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's  
6 objections, the undersigned concludes that the findings and recommendations are supported by  
7 the record and by proper analysis.

8 Plaintiff's motion and objections generally restate the arguments he advanced in  
9 opposition to summary judgment, which the court has already rejected. Moreover, as noted in the  
10 findings and recommendations, plaintiff's motion fails to present newly discovered evidence,  
11 demonstrate clear error, or put forward an intervening change of law. *See Wood v. Ryan*, 759  
12 F.3d 1117, 1121 (9th Cir. 2014). Finally, plaintiff fails to explain what new or different facts or  
13 circumstances are claimed to exist which did not exist or were not previously shown, and why  
14 those facts and circumstances were not shown at the time. L.R. 230(j).

15 Accordingly,

- 16 1. Plaintiff's motion for extension of time (Doc. 66) is granted;
- 17 2. Plaintiff's objections are deemed timely filed;
- 18 3. The findings and recommendations issued on December 14, 2018 (Doc. 65) are  
19 adopted in full; and
- 20 4. Plaintiff's motion to alter or amend the judgment (Doc. 60) is denied.

21 IT IS SO ORDERED.

22 Dated: April 23, 2019

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25 UNITED STATES DISTRICT JUDGE  
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