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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE MENDEZ, JR.,
Plaintiff,
v.
UNITED STATES, *et al.*,
Defendants.

No. 17-cv-0555-NONE-JLT (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO GRANT
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT
(Doc. Nos. 55, 72, 79)

On April 20, 2017, plaintiff Felipe Mendez, Jr., a state prisoner proceeding *pro se*, brought this civil rights action under 42 U.S.C. § 1983, claiming that correctional and medical officials at the Federal Correctional Institution at Mendota, California were deliberately indifferent to his dental pain, committed medical malpractice in treating his dental pain, and retaliated against him in violation of his First Amendment rights. (Doc. No. 21; *see also* Doc. No. 72 at 1, 5.) Two years after this action was filed, defendants moved for summary judgment. (Doc. No. 55.) Plaintiff filed his opposition to defendants' motion, to which defendants replied. (Doc. Nos. 65, 67.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 24, 2020, the assigned magistrate judge issued findings and recommendations, recommending that defendants' motion for summary judgment be granted. (Doc. No. 72 at 24–25.) Thereafter, plaintiff requested appointment of counsel to represent him in this civil action

1 and the magistrate judge denied that request. (Doc. Nos. 75, 76.) Plaintiff then filed another
2 motion, seeking to “stay” this action for six months so he could conduct additional discovery and
3 the magistrate judge instead granted plaintiff a 60-day extension to file his objections to the
4 pending findings and recommendations. (Doc. Nos. 77, 78.) In response, plaintiff moved for
5 reconsideration of his six-month “stay” request, claiming that he had propounded discovery on
6 defendants on August 25, 2020—40 months after this action was filed and three months after the
7 pending findings and recommendations were issued—and was requesting additional time to move
8 to compel defendants to respond to his request for production of documents. (Doc. No. 79 at 1–
9 2.) Defendants have opposed plaintiff’s motion for reconsideration, and plaintiff has replied
10 thereto. (Doc. Nos. 80, 81.) To date, plaintiff still has not filed any objections to the pending
11 findings and recommendations.

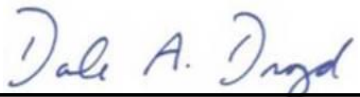
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
13 conducted a *de novo* review of this case. The court finds the pending findings and
14 recommendations to be supported by the record and proper analysis and will adopt the findings
15 and recommendations. Plaintiff’s remaining motion will be denied as having been rendered moot
16 by this order.

17 Accordingly, it is hereby ORDERED that:

- 18 1. The findings and recommendations filed March 24, 2020 (Doc. No. 72) are
19 ADOPTED in full;
- 20 2. Defendants’ motion for summary judgment (Doc. No. 55) is GRANTED;
- 21 3. Plaintiff’s motion for reconsideration and for an extension of time (Doc. No. 79), filed
22 on October 20, 2020, is DENIED as moot;
- 23 4. The Clerk of Court is DIRECTED to assign a district judge to this case for the purpose
24 of closing the case and then to close this case.

25 IT IS SO ORDERED.

26 Dated: February 12, 2021

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28 UNITED STATES DISTRICT JUDGE