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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANCISCO SIERRA,

 Plaintiff,

 v.

T. THOMPSON, et al.,

 Defendants.

No. 1:17-cv-01691-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 68)

Plaintiff Francisco Sierra is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. 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 August 30, 2021, the assigned magistrate judge issued findings and recommendations, recommending that defendants’ motion for summary judgment (Doc. No. 58) be granted in part and denied in part. (Doc. No. 68.) Specifically, the findings and recommendations recommend that defendants’ motion for summary judgment be granted as to plaintiff’s retaliation claim against defendant Thompson and denied as to plaintiff’s cruel-and-unusual-punishment claim brought against defendant Castellanos. (*Id.*) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days from the date of service. (*Id.*) To date, plaintiff has filed a document entitled “objections to magistrate judge’s findings and recommendations.” (Doc. No. 69.) However, that

1 filing contains no substantive objections. (*Id.*) Defendants have not filed objections to the
2 pending findings and recommendations and the time in which to do so has now passed.


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

7 Accordingly,

- 8 1. The findings and recommendations issued on August 30, 2021 (Doc. No. 68) are
9 adopted in full;
- 10 2. Defendants' motion for summary judgment (Doc. No. 58) is granted as to
11 plaintiff's retaliation claim against defendant Thompson and denied as to
12 plaintiff's cruel-and-unusual-punishment claim against defendant Castellanos; and
- 13 3. The matter is referred back to the assigned magistrate judge for further
14 proceedings.

15 IT IS SO ORDERED.

16 Dated: October 21, 2021

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19 UNITED STATES DISTRICT JUDGE
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