1					
2					
3					
4					
5					
6					
7					
8	UNITED STATES DISTRICT COURT				
9	FOR THE EASTERN DISTRICT OF CALIFORNIA				
10					
11	ROBERT O. SOLIS,	No. 1:18-cv-00015-NONE-JLT (PC)			
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND			
13	v.	DEFENDANT'S GRANTING MOTION FOR SUMMARY JUDGMENT			
14	R. GONZALES,	(Doc. Nos. 38, 46, 49)			
15	Defendant.	(Doc. 1105. 38, 40, 47)			
16					
17	Plaintiff Robert O. Solis is a state pris	oner proceeding pro se and in forma pauperis in this			
18	civil rights action brought under 42 U.S.C. §	1983 against defendant Gonzales, a correctional			
19	officer at Valley State Prison. Plaintiff claim	s that defendant violated the Free Exercise Clause of			
20	the First Amendment and the Religious Land Use and Institutionalized Persons Act (RLUIPA) by				
21	confiscating plaintiff's religious "rosette." ¹ (Doc. No. 13 at 20–31.) Defendant seized the rosette				
22	pursuant to prison rules because it was larger than 1.5 inches in diameter. (Doc. No. 46 at 2.) Per				
23	plaintiff's request, the rosette was mailed to his home. (Id.) Defendant now moves for summary				
24	judgment in his favor as to plaintiff's free exercise and RLUIPA claims, arguing that the prison				
25	/////				
26					
27 28	¹ The court previously granted defendant's motion for summary judgment with respect to on plaintiff's retaliation claim. (See Doc. Nos. 35–36.) The only remaining claims in this action are plaintiff's free exercise and RLUIPA claims.				

1	policy at issue did not impose a substantial burden on plaintiff's exercise of his religion. (Doc.				
2	No. 38-1 at 4–9.)				
3	This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §				
4	636(b)(1)(B) and Local Rule 302. On June 29, 2020, the assigned magistrate judge issued				
5	findings and recommendations, recommending that defendant's motion for summary judgment be				
6	granted. (Doc. No. 46.) The magistrate judge reasoned, based on the undisputed evidence before				
7	the court on summary judgment, that "[d]efendant did not substantially burden [p]laintiff's				
8	exercise of religion by forcing him to mail his rosette home." (Id. at 6.) Plaintiff filed objections				
9	to the pending findings and recommendations on August 24, 2020 (Doc. No. 51), to which				
10	defendant replied on August 27, 2020 (Doc. No. 52).				
11	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a				
12	de novo review of this case. Having carefully reviewed the entire file, the court finds the pending				
13	findings and recommendations to be supported by the record and proper analysis, and that				
14	plaintiff's objections fail to meaningfully address the magistrate judge's reasoning and also fail to				
15	establish the existence of a genuine dispute of material fact precluding summary judgment. ²				
16	Accordingly,				
17	1. The findings and recommendations issued on June 29, 2020 (Doc. No. 46) are				
18	ADOPTED in full;				
19					
20	$\frac{1}{2}$ The court has not considered plaintiff's allegation that defendant Gonzales and other				
21	correctional officers interrupted a prayer ceremony in which plaintiff was participating. (See Doc. No. 51 at 2). The assigned magistrate judge previously found that plaintiff's claim regarding this incident was not cognizable (Doc. No. 10), and plaintiff thereafter voluntarily dismissed the claim based upon that allegation (Doc. No. 15; see also Doc. No. 16). In addition, the allegations regarding this incident are not pertinent to the question before the court, i.e., whether the configuration of plaintiff's resette substantially burdened the practice of his religion				
22					
23					
24	whether the confiscation of plaintiff's rosette substantially burdened the practice of his religion. The court also notes that after the pending findings and recommendations were issued, plaintiff				
25	filed a motion styled as a "motion to amend supplemental pleading" (Doc. No. 49), but in it plaintiff requests leave to file a supplemental opposition to the motion for summary judgment (id.				
26	at 1). The motion fails to explain what additional information plaintiff would include in any supplemental opposition that would create a genuine dispute of material fact and why he could				
27	not have presented any such additional information in the first instance. Accordingly, the court finds that plaintiff has failed to establish good cause in support of his request for leave to file a				
28	supplemental opposition.				
	2	1			

1	2. Defendant's motion for summary judgment (Doc. No. 38) is GRANTED;			
2	3.	3. Plaintiff's motion to file a supplemental opposition to defendant's motion for		
3	summary judgment (Doc. No. 49) is DENIED; and			
4	4.	4. The Clerk of the Court is DIRECTED to assign a district judge to this case for		
5	purposes of closure and to close this case.			
6	IT IS SO ORDERED.			
7	Dated [.]	November 6, 2020	Dale A. Drad	
8	Duicu.		UNITED STATES DISTRICT JUDGE	
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28			3	