



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.<sup>2</sup>

16 Accordingly,

- 17 1. The findings and recommendations issued on June 29, 2020 (Doc. No. 46) are  
18 ADOPTED in full;

---

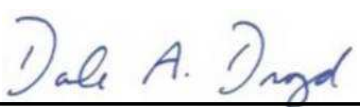
19  
20 <sup>2</sup> The court has not considered plaintiff’s allegation that defendant Gonzales and other  
21 correctional officers interrupted a prayer ceremony in which plaintiff was participating. (See  
22 Doc. No. 51 at 2). The assigned magistrate judge previously found that plaintiff’s claim  
23 regarding this incident was not cognizable (Doc. No. 10), and plaintiff thereafter voluntarily  
24 dismissed the claim based upon that allegation (Doc. No. 15; see also Doc. No. 16). In addition,  
25 the allegations regarding this incident are not pertinent to the question before the court, i.e.,  
26 whether the confiscation of plaintiff’s rosette substantially burdened the practice of his religion.  
27 The court also notes that after the pending findings and recommendations were issued, plaintiff  
28 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.  
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  
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  
supplemental opposition.

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

2. Defendant's motion for summary judgment (Doc. No. 38) is GRANTED;
3. Plaintiff's motion to file a supplemental opposition to defendant's motion for summary judgment (Doc. No. 49) is DENIED; and
4. The Clerk of the Court is DIRECTED to assign a district judge to this case for purposes of closure and to close this case.

IT IS SO ORDERED.

Dated: November 6, 2020

  
UNITED STATES DISTRICT JUDGE