



1 opposition solely addressed Defendant Tawansy’s motion and did not contain any arguments  
2 referring to Defendant Zepp. (ECF No. 106).

3 On July 27, 2022, findings and recommendations were entered, recommending that  
4 Defendants’ motions for summary judgment be granted. (ECF No. 108). Those findings and  
5 recommendations were served on the parties and contained notice that any objections thereto  
6 were to be filed within twenty-one (21) days from the date of service. (*Id.*) Any reply to the  
7 objections were to be filed within fourteen (14) days after the services of the objections. (*Id.*) On  
8 September 8, 2022, Plaintiff filed what appear to be his objections the findings and  
9 recommendations. (ECF No. 112).

10 After the findings and recommendations were entered, Plaintiff filed additional documents  
11 seemingly intended to supplement his opposition to Defendants’ motions and not directed toward  
12 addressing any objections to the findings and recommendations. (*See* ECF Nos. 109, 110). On  
13 August 11, 2022, Plaintiff filed a motion for an extension of time to address unidentified  
14 “unanswered Response[s].”<sup>1</sup> (ECF No. 109). On August 15, 2022, Plaintiff filed his response to  
15 Defendant Tawansy’s objections and objections to summary judgment statements. (ECF No.  
16 110). This appears to be an unauthorized and improper sur-reply to Defendant Tawansy’s  
17 objections to Plaintiff’s response (ECF No. 105). Plaintiff was previously advised in the order  
18 granting an extension of time to file supplemental briefing in opposition to Defendants’ motions  
19 that if he needed “additional time to file his opposition . . . he should file a signed motion  
20 explaining the reasons for his request before the deadline expires.” (ECF No. 103, n.9 at 14). The  
21 deadline for Plaintiff to file supplemental briefing in opposition to Defendants’ motions was April  
22 7, 2022. (*See* ECF No. 103). However, even if Plaintiff had permission to file his response and  
23 the Court considered it, the objections raised by Plaintiff would not change the analysis contained  
24 in the findings and recommendations.

24 On August 19, 2022, Plaintiff filed a motion against judgment which expressed Plaintiff’s  
25 position that he never consented to having a magistrate judge rule in his case, and that he objected

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26 <sup>1</sup> In his motion for an extension of time, Plaintiff also generally states that he has requested legal assistance, and that  
27 he is willing to settle with Defendant Zepp. (ECF No. 109). It is unclear if Plaintiff is renewing his request for the  
28 appointment of counsel. Plaintiff’s most recent request for counsel was denied on February 11, 2022. (ECF No. 99).  
Additionally, Plaintiff indicates that he filed a discovery motion requesting phone records for which he did not  
receive a response. However, Plaintiff’s discovery request was denied on March 3, 2022. (*See* ECF No 103).

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to the ruling. (ECF No. 111). The Court notes that this is not a consent case, and as such, the undersigned district judge issues any final dispositional order.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued by the assigned magistrate judge on July 27, 2022 (ECF No. 108), are adopted in full; and
2. Defendants’ motions for summary judgment (ECF Nos. 72, 74) are granted;
3. Plaintiff’s motion for an extension of time (ECF No. 109) and motion against judgment (ECF No. 111) are denied; and
4. The Clerk of Court is directed to enter judgement in favor of Defendants Zepp and Tawansy and CLOSE this case.

IT IS SO ORDERED.

Dated: September 14, 2022

  
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SENIOR DISTRICT JUDGE