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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 CHRISTOPHER J. MILLER,

10 Plaintiff,

11 v.

12 SERGEANT M. SOTO,

13 Defendant.

Case No. 1:20-cv-01117-AWI-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT, AND DIRECTING CLERK OF
COURT TO ENTER JUDGMENT

(ECF Nos. 51, 71, 72, 74)

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16 Plaintiff Christopher J. Miller is proceeding pro se and in forma pauperis in this civil
17 rights action filed pursuant to 42 U.S.C. § 1983.

18 On December 1, 2022, the assigned Magistrate Judge issued Findings and
19 Recommendations recommending that Plaintiff’s motion for summary judgment be denied and
20 Defendant’s motion for summary judgment be granted. (ECF No. 74.) The Findings and
21 Recommendations were served on the parties and contained notice that objections were to be
22 filed within twenty-one days. (Id. at 19.)

23 Plaintiff filed objections on December 27, 2022, and Defendant filed a response on
24 January 10, 2023. (ECF Nos. 75, 76.)

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
26 a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff’s
27 objections and Defendant’s response, the Court finds the Findings and Recommendations to be
28 supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Defendant's motion to strike Plaintiff's motion for summary judgment (ECF No.
3 72) is DENIED;
- 4 2. Plaintiff's motion for summary judgment (ECF No. 71) is DENIED;
- 5 3. Defendant's motion for summary judgment (ECF No. 51) is GRANTED;
- 6 4. The Clerk of Court shall enter judgment in favor of Defendant and CLOSE this case.

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8 IT IS SO ORDERED.

9 Dated: April 7, 2023



SENIOR DISTRICT JUDGE