1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MELVIN RAY BRUMMETT, JR., No. 1:21-cv-00086-ADA-BAM (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING 13 DEFENDANT'S MOTION FOR SUMMARY v. **JUDGMENT** 14 LOPEZ, et al., (ECF Nos. 59, 82) 15 Defendants. 16 17 Plaintiff Melvin Ray Brummett, Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. (ECF Nos. 1.) This action 18 19 proceeds against Defendant Martinez for retaliation in violation of the First Amendment and 20 deliberate indifference to risk of harm in violation of the Eighth Amendment. This matter was 21 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 22 On September 6, 2023, the assigned Magistrate Judge issued findings and 23 24 recommendations, recommending that Defendant's motion for summary judgment be denied. 25 (ECF No. 82.) The findings and recommendations were served on the Parties and contained 26 notice that any objections must be filed within fourteen days after service. (Id. at 13.) Following 27 an extension of time for Defendant to file objections, (ECF No. 85), no objections have been filed

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by any party, and the respective deadlines to do so have expired. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case and carefully reviewed the entire file. The Court finds that the findings and recommendations are supported by the record and by proper analysis. Accordingly, 1. The findings and recommendations issued on September 6, 2023, (ECF No. 82), are ADOPTED in FULL; and 2. Defendant's motion for summary judgment, (ECF No. 59), is DENIED. IT IS SO ORDERED. Dated: October 25, 2023