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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK WAYNE SPRINKLE,
Plaintiff,
v.
LEON ROBINSON, et al.,
Defendants.

No. 2:02-cv-1563-JAM-EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 22, 2017, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff and defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) 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 by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 22, 2017 are adopted in full;
2. Plaintiff is allowed to proceed to a jury trial on his claim for any losses that are unrelated to alleged wrongful incarceration; for example, compensation for time spent preparing the petition and the costs of filing it;
3. He may also seek an award of nominal damages if he cannot establish that he suffered any compensatory damages and may attempt to prove entitlement to punitive damages;
4. Any damages claimed for wrongful incarceration are disallowed; and
5. The matter is referred back to the magistrate judge to direct the filing of pretrial statements and preparation of a pretrial order. The date for trial before the undersigned will be set in the pretrial order.

DATED: June 28, 2017

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE