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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL P. MAGNAN,

Plaintiff,

No. CIV S-03-1099 GEB KJM P

vs.

DAVID RUNNELS, et al.,

Defendants.

FINDINGS AND RECOMMENDS

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On May 21, 2009, defendants Wright, Delgado and Nolan (defendants) moved for summary judgment on plaintiff's federal claims against them. Plaintiff, who is represented by counsel, has indicated he does not oppose the motion. Moreover, the court has reviewed defendants' unopposed motion and the evidence in support, and concludes defendants have made a showing that they are entitled to summary judgment under Rule 56 of the Federal Rules of Civil Procedure. Therefore, good cause showing, IT IS HEREBY RECOMMENDED that:

1. The motion for summary judgment filed by defendants Wright, Delgado and Nolan (docket #123) be granted;

2. Defendants Wright, Delgado and Nolan be granted summary judgment on all of plaintiff's claims against them arising under federal law;

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1 3. The court decline any jurisdiction that may arise under 28 U.S.C. § 1367 with
2 respect to any claims against Wright, Delgado and Nolan arising under California law; and

3 4. The aforementioned defendants be dismissed from this action.

4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
6 days after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
9 shall be served and filed within five days after service of the objections. The parties are advised
10 that failure to file objections within the specified time may waive the right to appeal the District
11 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: July 14, 2009.

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15 U.S. MAGISTRATE JUDGE
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