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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST CASSELL WOODS, II,
Plaintiff,
v.
TOM L. CAREY, et al.,
Defendants.

No. 2:04-cv-1225-MCE-AC-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 August 19, 2014, the magistrate judge filed findings and recommendations, ECF No. 315, 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 Defendant Cervantes have filed objections to the findings and recommendations.¹

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the

¹ Plaintiff filed additional objections on September 12, 2014, ECF No. 321, which the Court construes as a timely reply to Defendant Cervantes’s objections. On the same date, Plaintiff filed an additional request for judicial notice which is duplicative of his two prior requests that were granted in part and denied in part by the magistrate judge’s August 19, 2014, order. ECF No. 315.


1 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
2 Court finds the findings and recommendations to be supported by the record and by proper
3 analysis.

4 Accordingly:

- 5 1. The findings and recommendations filed August 19, 2014, ECF No. 315, are ADOPTED
6 IN FULL;
- 7 2. Plaintiff's Motion to Compel, ECF No. 307, construed as a motion to enforce the 2009
8 judgment, ECF No. 232, is GRANTED;
- 9 3. Within thirty (30) days from the date this order is filed electronically, Defendant
10 Cervantes is directed to satisfy the 2009 judgment and to file a notice of compliance with
11 the Court;
- 12 4. Defendants' Motion for Summary Judgment, ECF No. 293, is GRANTED IN PART and
13 DENIED IN PART as follows:
 - 14 a. GRANTED as to (1) Plaintiff's due process claim on the grounds of non-
15 exhaustion; and (2) Plaintiff's Eighth Amendment claim against Defendant Carey;
16 and
 - 17 b. DENIED as to Plaintiff's Eighth Amendment claim against Defendant Cervantes.

18 IT IS SO ORDERED.

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20 Dated: September 26, 2014

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23 MORRISON C. ENGLAND, JR., CHIEF JUDGE
24 UNITED STATES DISTRICT COURT
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