

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS CLINTON,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 2:05-cv-1600-LKK-CMK

ORDER

Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On October 18, 2013, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections¹ to the findings and recommendations have been filed (Docs. 535, 536, 538).

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

¹ In addition to objections the findings and recommendations, plaintiff also filed motions for reconsideration of the findings and recommendations and an appeal to the district court. The court has construed these documents as additional objections to the findings and recommendations.


1 proper analysis.

2 On March 28, 2014, plaintiff filed a motion for reconsideration of the magistrate
3 judge's March 21, 2014 order denying plaintiff's December 9, 2013 motion to stay this action.
4 Pursuant to Eastern District of California Local Rule 303(f), a Magistrate Judge's order shall be
5 upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court
6 finds that it does not appear that the Magistrate Judge's ruling was clearly erroneous or contrary
7 to law.² The March 21, 2014, order is, therefore, affirmed.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed October 18, 2013, are adopted in full;
- 10 2. Plaintiff's October 24, 2013 motion for reconsideration (ECF No. 536) is
11 construed as objections to the October 18, 2013 findings and
12 recommendations;
- 13 3. Defendants' motion for summary judgment (ECF No. 526) is granted in part
14 and denied in part;
- 15 4. Defendants' motion is granted as to defendants DeSantis, Riley, and Marshall;
- 16 5. Defendants' motion is denied as to defendant Cooper;
- 17 6. The Clerk of the Court is directed to enter judgment in favor of defendants
18 DeSantis, Riley, and Marshall;
- 19 7. This case shall continue as to defendant Cooper only as to plaintiff's claim that
20 defendant Cooper failed to honor his medical chronos for an extra blanket and
21 tennis shoes;
- 22 8. Plaintiff's motions for sanctions and miscellaneous relief based on defendants'
23 alleged dishonesty are denied; and
- 24 9. Plaintiff's March 28, 2014 motion for reconsideration (ECF No. 542) is
25 denied.

26 DATED: August 14, 2014.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

27 ² Denial of plaintiff's motion to stay "did not dispose of any claims or defenses and did not effectively deny him any
28 ultimate relief sought." *S.E.C. v. CMKM Diamonds, Inc.*, 729 F.3d 1248, 1260 (9th Cir. 2013). It was therefore
within the magistrate judge's authority to dispose of the motion by order.