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

VICTOR CARRASQUILLO,

Plaintiff,

No. CIV S-06-0851 JAM GGH P

vs.

MONTE PENNER, et al.,

Defendants.

ORDER

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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 General Order No. 262.

On November 13, 2008, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.<sup>1</sup>

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<sup>1</sup> Plaintiff’s post hoc objections do not provide even a belated substantive opposition to the dispositive motions; instead, plaintiff simply asserts that a lack of legal assistance from library clerks has precluded his ability to respond. Plaintiff at a minimum does not demonstrate how any such assistance was required for plaintiff to attempt to dispute any of the “undisputed material facts” as set forth by the defendants, and to raise a genuine issue of material fact.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and by  
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed November 13, 2008, are adopted in  
7 full; and

8 2. Defendant Marquard's motion for summary judgment, filed July 21, 2008  
9 (Docket #31), and defendant Penner's motion for summary judgment, filed July 22, 2008  
10 (Docket #32), are granted, and this case is hereby closed.

11 DATED: January 14, 2009

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13 /s/ John A. Mendez \_\_\_\_\_

14 UNITED STATES DISTRICT JUDGE

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