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

DANNY MCDOWELL,

No. 2:06-cv-02145-MCE-GGH (TEMP) P

Plaintiff,

vs.

ORDER

J. L. BISHOP, et al.,

Defendants.

/

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 February 9 and March 4, 2011, 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 Defendant Ginder have filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed February 9, 2011 (ECF No. 118) are adopted in full;

2. The findings and recommendations filed March 4, 2011 (ECF No. 124) are adopted in full;

2. Defendant Ginder’s Motion for Summary Judgment (ECF No. 97) is granted in part and denied without prejudice in part; and

3. Plaintiff’s December 27, 2010 “request for temporary injunction” (ECF No. 115) is denied without prejudice as to the refiling of a motion concerning denial of the Constitutional right of access to courts with respect to this case - to the extent plaintiff has a reasonable legal and factual basis for filing such a motion.

IT IS SO ORDERED.

Dated: April 8, 2011


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE