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

ROBERT MORRIS,

Plaintiff,

No. 2:06-cv-2936 LKK KJN P

vs.

D. HICKINSON, et al.,

Defendants.

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 July 30, 2010, 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 twenty-one days. Plaintiff has filed objections to the findings and recommendations. Defendants have filed a reply.

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed July 30, 2010, are adopted in full;

3 2. The motion for summary judgment filed by defendants Fry and Herrera is
4 granted. (Dkt. No. 93.)


5 3. Plaintiff's motion for summary judgment is denied. (Dkt. No. 75.)

6 4. Plaintiff's claim for emotional or mental distress damages is dismissed.

7 5. This action shall proceed solely on plaintiff's retaliation and Eighth
8 Amendment claims against defendant Hickison.

9 6. This case is referred back to the magistrate judge for further orders.

10 DATED: August 31, 2010.

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14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
16 UNITED STATES DISTRICT COURT
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