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

STANLEY SIMS,

Plaintiff,

No. CIV S-07-0898 MCE EFB P

vs.

VEAL, 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 August 31, 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 fourteen days from the date the findings and recommendations were served. Plaintiff filed objections on September 17, 2010, and after an extension of time, on September 29, 2010, defendants declined to file objections to the findings and recommendations.

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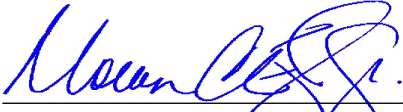
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed August 31, 2010, are adopted in full.
- 7 2. Defendants' November 25, 2009 motion for summary judgment is denied.
- 8 3. Defendants are granted thirty days to file an appropriate motion as to plaintiff's
9 claim that defendant Halverson violated his Eighth Amendment rights by confiscating his special
10 diet card on May 26, 2005 or, alternatively a pretrial statement as to that claim and plaintiff's
11 remaining claims.
- 12 4. Plaintiff's September 8, 2009 "Application for Sanctions" (Dckt. No. 66) and
13 October 28, 2009 "Motion for the Court to Order Damages" (Dckt. No. 71) are denied.

14 So ordered.

15 Dated: September 29, 2010

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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