

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

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

TERRENCE BROWNLEE,

Plaintiff,

No. CIV S-08-0661 LKK GGH P

vs.

R. CLAYTON, 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 12, 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 has filed objections to the findings and recommendations; defendants Clayton, Kansier and Sahota also filed objections after being granted an extension of time to do so.

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

1 by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed August 12, 2011, are adopted in full;

4 2. The motion to dismiss, filed on September 23, 2010 (docket #41), on behalf of
5 defendants Stocker and Grannis is granted;

6 3. The motion to dismiss, filed on December 13, 2010 (docket #61), on behalf of
7 defendants Clayton, Kansier and Sahota is denied; and

8 4. This action shall proceed as to defendants Clayton, Kansier and Sahota solely
9 on plaintiff's claim that they were deliberately indifferent to plaintiff's serious medical condition
10 when the chrono restriction indicating that plaintiff was not to have to get down during alarms
11 was removed.

12 DATED: March 29, 2012.

13
14
15 
16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
19
20
21
22
23
24
25
26