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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUY T. STRINGHAM,
Plaintiff,
v.
J. BICK, et al.,
Defendants.

No. 2:09-cv-0286 MCE DAD P

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 October 11, 2013, the Magistrate Judge filed Findings and Recommendations herein, ECF No. 89, 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. Both parties have filed objections to the findings and recommendations. In addition, Plaintiff has filed a motion to strike Defendants' objections as untimely.

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.


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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, ECF No. 89, filed October 11, 2013 are ADOPTED IN FULL;
2. Plaintiff's renewed Motion for Summary Judgment, ECF No. 76, is DENIED;
3. Defendants' Motion for Summary Judgment, ECF No. 68, is GRANTED IN PART and DENIED IN PART as follows:
 - a. Defendants' Motion for Summary Judgment on Plaintiff's Eighth Amendment claims are granted as to Defendant Moreno but denied as to Defendants Bick, Andreasen, Khoury, Donahue, and Thomas;
 - b. Defendants' Motion for Summary Judgment on Plaintiff's request for injunctive relief under ADA is denied;
 - c. Defendants' Motion for Summary Judgment on Plaintiff's claim for damages under ADA is DENIED;
 - d. Defendants' Motion for Summary Judgment on Plaintiff's request for injunctive relief pursuant to 42 U.S.C. § 1983 for a diabetic diet, personal glucometer, cotton blankets, egg-crate mattress pads, daily showers, in-cell meals, and prohibition on his temporary placement in brightly lit areas during cell or unit searches are GRANTED; and
 - e. Defendants' Motion for Summary Judgment based on the affirmative defense of qualified immunity is DENIED.
4. Plaintiff's Motion to Strike, ECF No. 92, is DENIED as unnecessary.

IT IS SO ORDERED.

Dated: March 25, 2014


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT