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

CHANTHON BUN,

Plaintiff,

No. 2:09-cv-0631 LKK EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

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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 March 26, 2013, 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. Neither party has 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           1. The findings and recommendations filed March 26, 2013, are adopted in full;

2           2. Defendants' August 3, 2012 motion for summary judgment is granted as to  
3 defendants Brown, Marsh, Watkins, and Felker; and

4           3. This action proceeds only on plaintiff's requests for damages and injunctive  
5 relief based on the following claims:

6                   a. an Eighth Amendment claim against defendants Perry, Hook, Lower,  
7 Handshumacker, and Ramsey based on the escort in freezing temperatures with restraints and  
8 minimal clothing;

9                   b. an Eighth Amendment claim against defendants Sanchez and Essman  
10 based on the denial of food from November 25, 2006 to November 28, 2006;

11                   c. an Eighth Amendment claim against defendant Kirkland based on the  
12 rough treatment of plaintiff in the holding cell;

13                   d. an Eighth Amendment claims against defendants Kirkland, Kissinger,  
14 Sanchez, Garate, and Aurich based on their tampering with/denial of food, and frequent cell  
15 searches, resulting in the flooding of plaintiff's cell and bedding and the confiscation or  
16 destruction of his toiletries; and

17                   e. a First Amendment retaliation claim against defendants Kirkland,  
18 Kissinger, Sanchez, Garate, and Aurich based on their destruction of plaintiff's personal  
19 property, mail, and inmate appeals because plaintiff filed, or attempted to file, administrative  
20 appeals.

21 DATED: May 7, 2013.

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25 LAWRENCE K. KARLTON  
26 SENIOR JUDGE  
UNITED STATES DISTRICT COURT