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

GREGORY V. BALDWIN,

Plaintiff,

No. CVI S-09-0711 WBS GGH P

vs.

CA. DEPT. OF CORRECTIONS
AND REHABILITATION, 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 16, 2012, the magistrate judge filed findings and recommendations, 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.

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 file,

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1 the court finds the findings and recommendations to be supported by the record and by the
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed August 16, 2012, are adopted except
5 for page 5, lines 11-22, and page 9, lines 14-20;

6 2. Plaintiff's defective cross- motion for summary judgment, filed on March 19,
7 2012 (Docket No. 80), is denied as wholly deficient;

8 3. Defendants' motion for summary judgment, filed on February 29, 2012
9 (Docket No. 77), is denied in part and granted in part: DENIED as to defendants Fannon, Gray
10 and Barton and GRANTED as to defendants McDonald and Gower;

11 4. Plaintiff's claims for injunctive relief are dismissed as moot; specifically with
12 respect to any claim for lost time credits, that claim is dismissed as barred in an action under 42
13 U.S.C. § 1983; and

14 5. This action will now proceed against defendants Fannon, Gray and Barton on
15 plaintiff's claims for money damages only.

16 DATED: September 27, 2012.

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18 UNITED STATES DISTRICT JUDGE
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