

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMILCAR GUEVARA,
Plaintiff,
v.
A. RALLS, et al.,,
Defendants.

No. 09-cv-1132 TLN KJN 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 August 5, 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:

1. The findings and recommendations filed August 5, 2013 (ECF No. 146), are adopted in full;

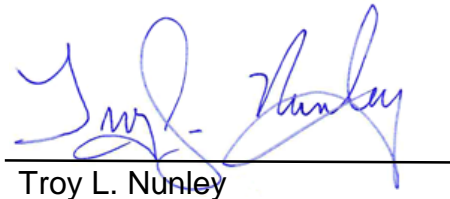
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Defendants' motion for summary judgment based on Heck v. Humphrey, 512 U.S. 477 (1994), is denied;

3. The September 27, 2012, motion for summary judgment (ECF No. 137) is granted as to defendants Scruggs, Ramirez and McCarvel; and

4. This matter is remanded to the magistrate judge for scheduling as to plaintiff's remaining claim against defendant Ralls.

Dated: October 2, 2013



Troy L. Nunley
United States District Judge

guev1132..801