

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

JOSEPH B. MATTHEWS,

Plaintiff,

No. 2:09-cv-2415 GEB KJN P

vs.

LAHEY, 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 December 20, 2012, the undersigned adopted the October 23, 2012 findings and recommendations, and granted Dr. Basi’s motion for summary judgment. (Dkt. No. 104.) In addition, plaintiff was informed that he was not provided with contemporaneous notice of the requirements for opposing a motion for summary judgment with the filing of the November 1, 2010 motion for summary judgment by defendants Lahey, Tan, and Traquina. (Id. at 2.) Plaintiff was informed of those requirements, and provided an additional thirty days in which to file a supplemental opposition to the November 1, 2010 motion for summary judgment.

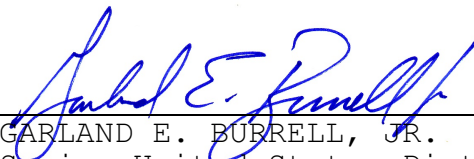
////

1 On January 18, 2013, plaintiff filed objections to findings and recommendations.
2 (Dkt. No. 105.) However, these objections address the October 23, 2012 findings and
3 recommendations on defendant Basi's motion for summary judgment, which this court has
4 already adopted. Indeed, with few exceptions,¹ these objections are virtually identical to
5 plaintiff's November 16, 2012 objections, which the undersigned considered prior to adopting
6 the October 23, 2012 findings and recommendations.²

7 Plaintiff has not filed a supplemental opposition to the November 1, 2010 motion
8 for summary judgment. Therefore, as plaintiff was informed in the December 20, 2012 order, the
9 September 6, 2011 ruling on the November 1, 2010 motion for summary judgment stands. (Dkt.
10 No. 73.) Because all defendants have now been granted summary judgment, judgment should be
11 entered for defendants. (Dkt. Nos. 73, 104.)

12 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
13 enter judgment in favor of the defendants.

14 Dated: February 21, 2013

15
16 
17 GARLAND E. BURRELL, JR.
Senior United States District Judge

18
19
20
21
22 _____
23 ¹ It appears plaintiff attempted to improve his objections as to Dr. Basi by reminding the
24 court that his complaint was verified, and inserting a sentence that he "declared under penalty of
25 perjury that the foregoing is [] correct." (Dkt. No. 105 at 2:8-10.) In addition, a portion of page
26 two of the second set of objections appears to have been typed with a different typewriter or
using a different font. (Id. at 2.)

² The October 23, 2012 findings and recommendations note that plaintiff's complaint
was verified. (Dkt. No. 102 at 1:24.)