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

AMENDED ORDER

RICHARD MANUEL BURGOS, No. CIV S-09-3276-MCE-CMK-P

Plaintiff,

VS.

MATTHEW L. CATE, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On September 2, 2011, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Plaintiff submitted untimely objections to the findings and recommendations on October 3, 2011, which were received by the court and filed after his request for additional time to do so was denied by Order dated September 30, 2011. Although the court adopted the Magistrate Judge's September 2, 2011 findings and recommendations by Order filed October 27, 2011, Plaintiff subsequently filed, on November 10, 2011, a Motion for

Reconsideration (ECF No. 37) that challenges the Magistrate Judge's September 30, 2011 decision which denied Plaintiff's extension request. Given the pending Motion for Reconsideration, this court decided to go ahead and review Plaintiff's previously filed objections before otherwise addressing the reconsideration request. Regardless, the court notes the receipt of his objections, and has considered the same. Having reviewed Plaintiff's objections, the court finds that they do not change its previous October 27, 2011 Order adopting the findings and recommendations. The Court will therefore reiterate its prior ruling:

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), this court has conducted a <u>de novo</u> 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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed September 2, 2011, are adopted in full; and
- 2. Plaintiff's motions for preliminary injunction (Docs. 13, 14, 15, 24) are denied.
- 3. Having reviewed Plaintiff's objections to the findings and recommendations, Plaintiff's Motion for Reconsideration (ECF No. 38) is denied as moot.

Dated: December 16, 2011

MORRISON C. ENGLAND, JR.

UNITED STATES DISTRICT JUDGE