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

MICHAEL A. HUNT,

Plaintiff,

No.2: 09-cv-3525 KJM GGH P

vs.

D. FIELDS,

Defendant.

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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 10, 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. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

1 1983). Having carefully reviewed the file, the court finds the findings and recommendations to  
2 be supported by the record and by the proper analysis.<sup>1</sup>

3 Accordingly, IT IS HEREBY ORDERED that:

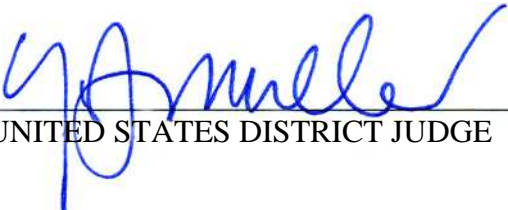
4 1. The findings and recommendations filed September 10, 2012 are adopted in  
5 full;

6 2. Plaintiff's motion for summary judgment (Doc. No. 35) is denied;

7 3. Defendant's motion to dismiss and for summary judgment (Doc. No. 45) is  
8 granted in part, and denied in part, as outlined in the findings and recommendations, leaving at  
9 issue plaintiff's retaliation claim in connection with the August 28, 2008 work re-assignment;  
10 and

11 4. This case is referred back to the magistrate judge for setting a further schedule  
12 for trial on the remaining issue.

13 DATED: September 27, 2012.

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16 UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court notes the inadvertent omission of the word "not" on page 12, line 8.