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

ROBERT E. STEPHENSON,

Plaintiff,

No. CIV S-10-0238 KJM GGH P

vs.

M. MARTEL, 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 October 26, 2011, 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 twenty 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. 1983). Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed October 26, 2011, are adopted in full,
3 except page 4, lines 6 through 18;

4 2. Defendants' motion for summary judgment (Doc. 32) is granted only as to
5 defendants Cate and Grannis who are dismissed from this action; the motion is denied in all
6 other respects and this action continues against the remaining defendants; and

7 3. Plaintiff's cross-motion for summary judgment (Doc. 41) is denied.

8 DATED: March 31, 2012.

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12 UNITED STATES DISTRICT JUDGE
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