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

GARY L. HARPOOL,

Plaintiff,

No. 2: 10-cv-1253 MCE GGH P

vs.

M. BEYER, 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 July 6, 2012, the magistrate judge filed Findings and Recommendations (ECF No. 72) 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. In addition, in light of Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), the magistrate judge, by order filed on July 12, 2012, provided Plaintiff once again with the requirements to oppose summary judgment pursuant to Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998), and gave Plaintiff an opportunity to provide further evidentiary submissions. Plaintiff's response was considered and addressed by order, filed on August 7, 2012, correctly determining that no modification of the


1 pending findings and recommendations was warranted. Neither party has filed objections to the
2 findings and recommendations.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
4 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the
5 entire file, including the objections, the Court finds the findings and recommendations to be
6 supported by the record and by proper analysis. Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations filed on July 6, 2012, are ADOPTED IN
8 FULL;

9 2. Defendants' Motion for Summary Judgment, filed on October 26, 2011 (ECF
10 No. 55), is GRANTED as to Defendant Beyer with the exception of the Eighth Amendment
11 claim which is DENIED, and the motion is DENIED on Plaintiff's First Amendment retaliation
12 claim as to Defendants Carter and Fowler. There has been no adjudication of plaintiff's ADA
13 claim.

14 Dated: September 10, 2012

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17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
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