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

JOSEPH WHITAKER,

Plaintiff,

No. 2:10-cv-1400 KJM EFB P

vs.

CHEN, 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 August 8, 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 from the date the findings and recommendations were served. Plaintiff has filed objections to the findings and recommendations. He complains that the magistrate judge did not provide a renewed *Rand*¹

¹ *Rand v. Rowland*, 154 F.3d 952, 957–58 (9th Cir.1998) (en banc)

1 notice. As required by *Woods v. Carey*, 684 F.3d 934, 940-41 (9th Cir. 2012), an inmate must be
2 given notice of the requirements for opposing a motion for summary judgment close to the time a
3 motion is filed rather than at the beginning of the litigation. In this case, plaintiff brought the
4 motion for summary judgment.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
6 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the
7 court finds the findings and recommendations to be supported by the record and by the proper
8 analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed August 8, 2012, are adopted in full;
11 and
12 2. Plaintiff's motion for summary judgment (Dckt. Nos. 80, 83) is denied.

13 So ordered.

14 DATED: September 26, 2012.

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17 UNITED STATES DISTRICT JUDGE
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