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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLIFFORD ABREU,  
Plaintiff,  
v.  
MATTHEW L. CATE, et al.,  
Defendants.

No. 10-cv-1621 JAM CKD P

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 1, 2013, the magistrate judge filed findings and recommendations 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed July 1, 2013, are adopted in full;

2. Defendants' November 20, 2013 motion for summary judgment (ECF No. 54) is granted in part and denied in part as follows:

A. Granted with respect to plaintiff's claims arising under the Americans with Disabilities Act;

B. Granted as to plaintiff's Eighth Amendment claims against defendants Williams, Cate, Subia, and Martel; and

C. Denied as to plaintiff's Eighth Amendment claims against defendants Miranda, Robinson, Davis and Smith.

3. Plaintiff shall file his pretrial statement within 30 days. Plaintiff's failure to file a pretrial statement within 30 days will result in a recommendation that this action be dismissed.

4. All remaining defendants shall file their pretrial statement or statements within 21 days of service of plaintiff's.

DATED: September 4, 2013

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE