

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

SHEPARD JOHNSON,

Plaintiff,

CIV S-10-1968 GEB GGH PS

vs.

CHESTER MITCHELL, et al.,

Defendants.

ORDER

_____ /

On April 25, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.¹

Accordingly, the court presumes 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).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

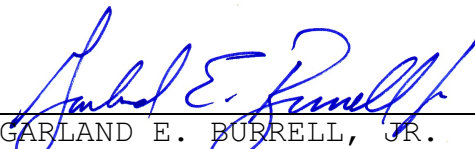
¹ Plaintiff did file a motion to deny trustee’s intervention on May 12, 2011; however, it could not be construed as objections because it was untimely as such. It was instead construed as a motion for reconsideration and resolved by order of June 1, 2011.

1 Accordingly, IT IS ORDERED that the Findings and Recommendations filed
2 April 25, 2011, are ADOPTED and

3 1. Trustee's Motion to Intervene, filed January 4, 2011, as amended (dkt. #s 25,
4 30), is granted; and

5 2. Trustee's motion to dismiss, filed January 4, 2011, as amended (dkt. #s 27,
6 29), is denied.

7 Dated: June 7, 2011

8
9 
10 _____
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26