(PS) Burns v	r. Dage, et al	
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	DWAYNE B. BURNS, No. CIV S-11-0217-KJM-CMK	
11	Plaintiff,	
12	vs. <u>ORDER</u>	
13	CHRIS DAGE, et al.,	
14	Defendants.	
15		
16	Plaintiff, who is proceeding pro se, brings this civil action alleging, among other	
17	things, violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101, et seq., as	
18	well as violations of his civil rights under 42 U.S.C. § 1983. The matter was referred to a United	
19	States Magistrate Judge as provided by Eastern District of California local rules.	
20	On August 15, 2011, the magistrate judge filed findings and recommendations,	
21	which were served on the parties and which contained notice that the parties may file objections	
22	within a specified time. Plaintiff filed timely objections to the findings and recommendations.	
23	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule	
24	304, this court has conducted a <i>de novo</i> review of this case. Having carefully reviewed the file,	
25	the court finds the findings and recommendations to be supported by the record and by the	
26	proper analysis.	

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Plaintiff reasserts in his objections that the magistrate judge failed to fully account for his argument that, because of his facial disfigurement, he is "regarded as" having a disability under the Americans with Disabilities Act, 42 U.S.C.A. 12101 et seq. (*See* ECF 8.) Plaintiff appears to seek reconsideration of an order already reconsidered and ruled upon by the preceding district judge. (*See* ECF 7.) The court considers the earlier ruling as the law of the case and declines to reexamine the issue. *See One Industries, LLC v. Jim O'Neal Distributing, Inc.*, 578 F.3d 1154, 1159 (9th Cir. 2009) ("the district court had an adequate opportunity to rule, and actually did rule, on the []issue, making it the 'law of the case' and not subject to reopening").

## Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed August 15, 2011, are adopted in full; and
- 2. All claims and defendants are dismissed <u>except</u> plaintiff's § 1983 claim against defendant Williams based on retaliation.

DATED: March 23, 2012.

UNITED STATES DISTRICT JUDGE