1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ANTHONY PENTON, No. 2:11-cv-00518-TLN-KJN 12 Plaintiff, 13 **ORDER** v. 14 L. JOHNSON, et al., 15 Defendants. 16 17 Plaintiff Anthony Penton ("Plaintiff"), a state prisoner proceeding with counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United 18 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On December 16, 2019, the magistrate judge filed findings and recommendations which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 178.) Neither party has filed objections to the findings and recommendations. 23 24 Accordingly, the Court presumes that any findings of fact are correct. See Orand v. 25 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are 26 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 27 1983); see also 28 U.S.C. § 636(b)(1). 28 /// 1

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Having reviewed the file under the applicable legal standards, the Court finds the Findings and Recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations filed December 16, 2019 (ECF No. 178), are adopted in full; and
 - 2. Plaintiff's Motion for Default (ECF No. 152) is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: February 3, 2020

Troy L. Nunley

United States District Judge