1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE 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, a state prisoner proceeding through counsel, filed this civil rights action seeking 18 relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge 19 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 10, 2022, the magistrate judge filed findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. (ECF No. 256.) Both parties filed objections to the findings and recommendations; both parties filed replies. (ECF 23 24 Nos. 267, 267, 275, 276.) In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 26 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the 27 Court finds the findings and recommendations to be supported by the record and by proper 28 analysis. 1

Accordingly, IT IS HEREBY ORDERED that: 1. The Findings and Recommendations filed February 10, 2022 (ECF No. 256), are adopted in full; 2. The Cross-Motions for Summary Judgment (ECF No. 222, 224) are GRANTED in part and DENIED in part, as follows: A. Defendant Johnson's Motion for Summary Judgment (ECF No. 224) on the issue of exhaustion of administrative remedies is GRANTED as to the August 5, 2008 screened out appeal, but DENIED as to appeal log no. 07-02453; B. Plaintiff's Motion for Partial Summary Judgment as to Defendant Johnson (ECF No. 222) is DENIED; and C. Defendant Johnson's Motion for Summary Judgment and/or Partial Summary Adjudication (ECF No. 224) on the merits is DENIED, and his Motion for Qualified Immunity is DENIED without prejudice to renewal at trial. DATED: March 29, 2022 Troy L. Nunley United States District Judge