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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY PENTON,  
Plaintiff,  
v.  
L. JOHNSON, et al.,  
Defendants.

No. 2:11-cv-00518-TLN-KJN

**ORDER**

Plaintiff, a state prisoner represented by counsel, 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 September 13, 2022, 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. (ECF No. 288.) Defendant Johnson filed objections to the findings and recommendations. (ECF No. 289.) Plaintiff filed a reply. (ECF No. 290.)

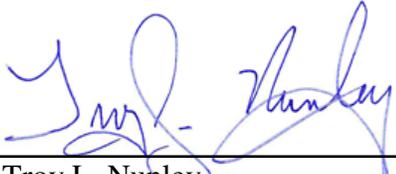
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed September 13, 2022 (ECF No. 288) are ADOPTED in full;
2. Plaintiff’s Motion to Certify Defendant’s Appeal as Frivolous (ECF No. 283) is GRANTED;
3. Defendant’s interlocutory appeal (ECF No. 279) is certified as frivolous;
4. The Clerk of the Court is directed to serve a copy of this order on the United States Court of Appeals for the Ninth Circuit, referencing Case No. 22-15665; and
5. This matter is remanded to the assigned magistrate judge for further scheduling.

**DATED: October 31, 2022**

  
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Troy L. Nunley  
United States District Judge