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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULES BUCKLEY,  
Plaintiff,  
v.  
HIGH DESERT STATE PRISON, et al.,  
Defendants.

No. 2:11-cv-01310-KJM-DAD

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 26, 2014, the magistrate judge filed findings and recommendations, 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. On December 2, 2014, plaintiff’s copy of the findings and recommendations was returned undelivered. On December 3, 2014, the findings and recommendations were re-served on plaintiff at a corrected address. Neither party has filed objections to the findings and recommendations.

The court presumes that 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). Having reviewed

1 the file, the court finds the findings and recommendations to be supported by the record and by  
2 the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed November 26, 2014 are adopted in full.
- 5 2. Defendant's motion for summary judgment (ECF No. 33) is granted in part and denied  
6 in part, as follows:
  - 7 a. Defendant's motion for summary judgment on plaintiff's claim that he was  
8 exposed to unconstitutional prison working conditions is denied;
  - 9 b. Defendant's motion for summary judgment on plaintiff's claim that defendant  
10 was deliberately indifferent to his need for medical care is granted; and
  - 11 c. Defendant's motion for summary judgment on qualified immunity grounds is  
12 denied.
- 13 3. This matter is referred back to the magistrate judge for further proceedings consistent  
14 with this order.

15 DATED: February 6, 2015.

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19 UNITED STATES DISTRICT JUDGE  
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