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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2:11-cv-2462 KJM KJN P

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 October 10, 2013, 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. Neither party has filed objections to the findings and recommendations.

The magistrate judge found that plaintiff was seeking an order directing officials at R.J. Donovan Correctional Facility (“RJDCF”) to return plaintiff’s confiscated wheelchair. On October 23, 2013, plaintiff filed a document stating that he did not object to the findings and recommendations. Plaintiff states that his wheelchair was not confiscated, but that prison officials threatened to take it.

1 To the extent plaintiff seeks an order prohibiting officials at RJDCF from confiscating
2 plaintiff's wheelchair, the magistrate judge's reasoning in the October 10, 2013 findings and
3 recommendations is equally applicable.

4 The court presumes that any findings of fact are correct. *See Orand v. United States*, 602
5 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
6 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having carefully
7 reviewed the file, the court finds the findings and recommendations to be supported by the record
8 and by the proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed October 10, 2013 are adopted in full; and
- 11 2. Plaintiff's motion for injunctive relief (ECF No. 121) is denied.

12 DATED: March 11, 2014.

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16 UNITED STATES DISTRICT JUDGE
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