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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY LASHER,
Plaintiff,
v.
R. MIRANDA, et al.,
Defendants.

No. 2:11-cv-2564 WBS 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 13, 2013, 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 twenty-one days. Both parties have filed objections to the findings and recommendations.

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 June 13, 2013 are adopted in full;
2. Defendants' untimely request in their Objections to the magistrate judge's findings and recommendations to supplement the record with briefing and evidence is denied.
3. Defendants' summary judgment motion (ECF No. 51) is granted as to plaintiff's claim that his delay in receipt of shoulder surgery caused additional shoulder damage; and
4. Defendants' motion is denied in all other respects.

Dated: August 1, 2013



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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