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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL ANDERSON,
Plaintiff,
v.
J. CLARK KELSO, et al.,
Defendants.

No. 2: 12-cv-0261 MCE KJN P

FINDINGS AND RECOMMENDATIONS

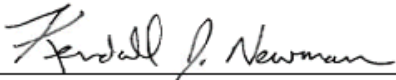
Plaintiff is a state prisoner, proceeding with counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendant Kelso’s motion to dismiss plaintiff’s claims for damages pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 117.) Also pending is defendant Kelso’s motion for summary judgment, addressing plaintiff’s claims for injunctive relief. (ECF No. 118.) On July 26, 2013, plaintiff filed a statement of non-opposition to both of these motions.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Kelso’s motion to dismiss (ECF No. 117) and motion for summary judgment (ECF No. 118) be granted.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
2 objections shall be filed and served within fourteen days after service of the objections. The
3 parties are advised that failure to file objections within the specified time may waive the right to
4 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: July 31, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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