

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LATWAHN McELROY,  
Plaintiff,  
v.  
GUSTAFSON, et al.,  
Defendants.

No. 2:12-cv-1518-TLN-EFB 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 January 9, 2015, 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. Plaintiff has 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.

////

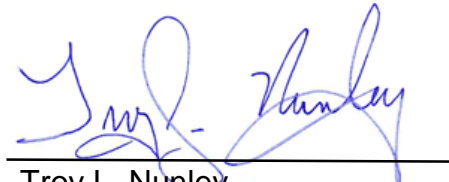
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 9, 2015, are adopted in full;
2. Plaintiff's Motion for Summary Judgment (ECF No. 34) is denied;
3. Defendants' Motion for Summary Judgment (ECF No. 44) is denied as to Gustafson, but granted as to Robertson, Deems, and Virga;
4. Plaintiff's "Supplemental Motion to Summary Judgment" (ECF No. 72) is denied;
5. Defendants' Motion to Strike Plaintiff's Supplemental Motion (ECF No. 73) is denied;
6. Plaintiff's "Motion for Rebuttal" of Defendant's Motion to Strike (ECF No. 78) is denied;
7. Plaintiff's Motion for a Preliminary Injunction (ECF Nos. 74, 79) is denied; and
8. This action proceeds solely as to Plaintiff's Eighth Amendment claims against Gustafson.

IT IS SO ORDERED.

Dated: March 11, 2015



---

Troy L. Nunley  
United States District Judge