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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HELEN WHELAN,

 Plaintiff,

 v.

JOHN POTTER,

 Defendant.

No. 2:12-cv-2305 TLN CKD PS

ORDER

Plaintiff filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c).

On August 28, 2014, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Objections to the findings and recommendations have been filed.¹

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

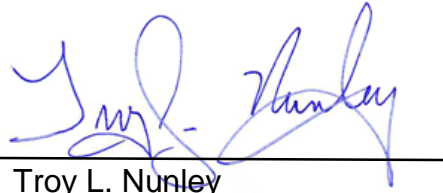
¹ The objections were filed after the time limit for filing objections. The Court was advised by Plaintiff at a hearing before the Magistrate Judge on defendant’s motion to dismiss in another matter (Whelan v. Donahoe, 2:14-cv-1096 TLN CKD PS) that the objections were filed belatedly because they were erroneously routed to another city before being delivered to the federal court in Sacramento. The Court will therefore vacate the judgment previously entered and consider the objections.

1 Court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The order and judgment dated September 22, 2014 (ECF Nos. 50, 51) are vacated;
- 5 2. The findings and recommendations filed August 28, 2014 are adopted in full;
- 6 3. Defendant's motion for summary judgment (ECF No. 22) is granted; and
- 7 4. This action is closed.

8 Dated: October 1, 2014

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11 Troy L. Nunley
12 United States District Judge

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