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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN IVORY,
Plaintiff,
v.
R. MIRANDA, et al.,
Defendants.

No. 2:12-cv-2902 WBS AC 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 15, 2014, 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. Plaintiff has filed objections to that portion of the findings and recommendations which recommend granting the motion for summary judgment on plaintiff's claim under the ADA.

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 overrules plaintiff's objections for the reason that the ADA does not provide for suit against public official in individual capacity Garcia v. SUNY Health Sciences Center, 280 F.3d 98, 107

1 (2d Cir. 2002).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed January 15, 2014, are adopted in full;

4 2. Defendant's motion to dismiss (ECF No. 20) is denied in part and granted in part as
5 follows:

6 a) Denied as to plaintiff's Eighth Amendment claim;

7 b) Granted as to plaintiff's claim under the ADA; and

8 3. Defendant Miranda is directed to file an answer to plaintiff's Eighth Amendment claim
9 within thirty days of the date of this order.

10 Dated: March 5, 2014



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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE

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