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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COLEMAN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:13-cv-1021 JAM 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 July 22, 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. On August 7, 2015, plaintiff filed a document entitled “Plaintiff’s Motion for Reconsideration,” which this court construes as plaintiff’s 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

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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 findings and recommendations filed July 22, 2015, are adopted in full; and

5 2. Defendants' motion for summary judgment (ECF No. 45) is granted in part, and denied
6 in part, as follows:

7 a. Plaintiff's claims against defendant Haring are dismissed without prejudice,
8 based on plaintiff's failure to exhaust administrative remedies;

9 b. Plaintiff's claims against defendants Virga, DeRoco, and Clough that plaintiff
10 was denied access to outdoor exercise in violation of the Eighth Amendment are
11 dismissed without prejudice, based on plaintiff's failure to exhaust administrative
12 remedies;

13 c. Plaintiff's claims against defendant Clough are dismissed without prejudice
14 based on plaintiff's failure to exhaust administrative remedies; and

15 d. The motion for summary judgment by defendants Virga and DeRoco as to
16 plaintiff's equal protection claims under the Fourteenth Amendment are denied; and

17 3. Defendants Virga and DeRoco are directed to file an answer within twenty-one days of
18 service of this order.

19 DATED: December 8, 2015

20 /s/ John A. Mendez

21 UNITED STATES DISTRICT COURT JUDGE
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