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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH LAVERY,

Plaintiff,

v.

B. DHILLON,

Defendant.

No. 2:13-cv-02083-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 247, 260)

Plaintiff Joseph Lavery is a state prisoner proceeding in this civil rights action 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 October 25, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant Dr. Dhillon’s motion for summary judgment (Doc. No. 247) be granted.¹ (Doc. No. 260.) Specifically, based upon the evidence submitted by the parties, the magistrate judge concluded that defendant Dr. Dhillon was entitled to summary judgment in his favor on the merits as to plaintiff’s claim that defendant had failed to provide plaintiff with constitutionally adequate medical care. (*Id.* at 10–14.)

Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 15.) On

¹ Defendant Dhillon is the sole remaining defendant in this action, the other named defendants having previously been terminated.

1 November 9, 2023, plaintiff filed an objection to the pending findings and recommendations on
2 his own behalf.² (Doc. No. 261.) In that objection plaintiff states merely:

3 Plaintiff has suffer (sic) for over a decade from the injuries caused
4 by Dr. Dhillon, who fail (sic) Plaintiff as for his medical needs. This
5 finding is a gross Miscarriage of Justice, in the Spirit of the Law.

6 (Id. at 1.) This objection provides no basis upon which to question the thorough analysis of the
7 evidence submitted on summary judgment and the applicable law as set forth in the pending
8 findings and recommendations.

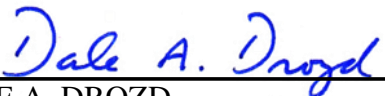
9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the
10 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
11 including plaintiff's objection, the court concludes that the findings and recommendations are
12 supported by the record and proper analysis.

13 Accordingly:

- 14 1. The findings and recommendations issued on October 25, 2023 (Doc. No. 260) are
15 adopted in full;
- 16 2. Defendant Dhillon's motion for summary judgment in his favor (Doc. No. 247) is
17 granted; and
- 18 3. The Clerk of the Court is directed to close this case.

19 IT IS SO ORDERED.

20 Dated: January 25, 2024

21 
22 _____
23 DALE A. DROZD
24 UNITED STATES DISTRICT JUDGE

25 ² As the findings and recommendations note, plaintiff has been represented by counsel at times
26 in this case. Counsel first appeared on his behalf on November 1, 2016 (Doc. No. 117) but was
27 granted leave to withdraw on June 6, 2018. (Doc. No. 168.) On July 12, 2018, the court
28 appointed counsel for the limited purpose of completing the significantly delayed discovery phase
of this action. (Doc. No. 172.) Finally, different pro bono counsel was appointed for the limited
purpose of filing an opposition to defendant's summary judgment motion. (Doc. No. 248.) Ny
its terms, that latest appointment expired and the court has considered plaintiff's objection to the
pending findings and recommendations which he properly filed on his own behalf.