1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 HARRISON BURTON, No. 2:13-cv-2123 JAM DB P 12 Plaintiff, 13 **ORDER** v. 14 F. FOULK, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On September 25, 2019, the magistrate judge issued findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. (ECF No. 44). Plaintiff 23 has filed objections to the findings and recommendations. (ECF No. 46). 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 court finds the findings and recommendations to be supported by the record and by proper 27 analysis. //// 28 1

1	Accordingly, IT IS HEREBY ORDERED that:
2	1. The findings and recommendations issued September 25, 2019 (ECF No. 44) are
3	ADOPTED in full;
4	2. Defendants' motion for summary judgment, filed January 18, 2019 (ECF No. 33), is
5	GRANTED IN PART and DENIED IN PART;
6	3. Defendants' motion for summary judgment is DENIED with respect to their contention
7	that plaintiff's excessive force claim against defendant Chenoweth is barred by Heck v.
8	<u>Humphrey</u> , 512 U.S. 477 (1994), and
9	4. Defendants' motion for summary judgment is GRANTED with respect to plaintiff's
10	access to courts and retaliation claims.
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12	DATED: November 14, 2019
13	/s/ John A. Mendez
14	UNITED STATES DISTRICT COURT JUDGE
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