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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YUJUAN L. BANKS, JR.,
Plaintiff,
v.
U.C. REGENTS, et al.,
Defendants.

No. 2:14-cv-0460 TLN 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 February 12, 2016, 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. (ECF No. 64.) The magistrate judge recommended that defendants’ summary judgment motion be granted. (ECF No. 64.) On May 9, 2016, the undersigned adopted the findings and recommendations, observing that plaintiff had not filed objections, and judgment was entered. (ECF Nos. 67, 68.)

However, on April 26, 2016, pursuant to the mailbox rule, plaintiff filed timely objections.¹ (ECF No. 70.) The Court was not aware of the objections at the time the May 9,

¹ Plaintiff’s objections are court stamp filed May 9, 2016. (ECF No. 70.)

1 2016 order was entered. Accordingly, on May 27, 2016, the Court vacated the May 9, 2016 order
2 and judgment. (ECF No. 71.) In the May 27, 2016 order, the Court deemed plaintiff's objections
3 timely and granted defendants fourteen days to file a reply to plaintiff's objections. (ECF No.
4 71.) On June 10, 2016, defendants filed a reply to plaintiff's objections. (ECF No. 73.)

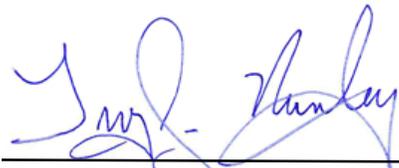
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
6 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
7 court finds the findings and recommendations to be supported by the record and by proper
8 analysis.

9 On June 6, 2016, plaintiff filed a notice of appeal of the vacated May 9, 2016 judgment.
10 (ECF No. 72.) Because the judgment was vacated, plaintiff's appeal will not be processed.
11 Plaintiff may refile a notice of appeal of the instant order and accompanying entry of judgment.

12
13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's notice of appeal (ECF No. 72) will not be processed because the judgment
15 plaintiff seeks to appeal has been vacated;
- 16 2. The findings and recommendations filed February 12, 2016 are adopted in full; and
- 17 3. Defendants' motion for summary judgment (ECF No. 53) is granted.

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19 Dated: July 21, 2016

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22 _____
23 Troy L. Nunley
24 United States District Judge
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