1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GERALD SPENCE, No. 2:14-cv-1170 WBS AC P 12 Plaintiff, 13 v. <u>ORDER</u> 14 STAMBAUGH, 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 March 11, 2021, the magistrate judge issued findings and recommendations herein 21 which were served on plaintiff and which contained notice to plaintiff that any objections to the 22 findings and recommendations were to be filed within thirty days. See ECF No. 169. Plaintiff 23 has filed objections to the findings and recommendations. ECF No. 170. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 24 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

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations issued March 11, 2021 (ECF No. 169), are ADOPTED in full; 2. The County defendants' motion for summary judgment (ECF No. 146) is GRANTED; 3. Plaintiff's cross-motion for summary judgment (ECF No. 154) is DENIED; 4. Summary judgment is entered for the City defendants on Count Four, and 5. The clerk is directed to enter final judgment. Dated: April 13, 2021 UNITED STATES DISTRICT JUDGE spen1170.804