UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL GARCIA, Plaintiff, v. F. FOLKS, et al., Defendants.	No. 2:14-cv-2378 JAM DB 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 5, 2020, 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 5, 2020 (ECF No. 152) are adopted in full;

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2. Defendants' motion for summary judgment (ECF No. 135) is GRANTED IN PART AND DENIED IN PART as follows:

a. Defendants' motion is GRANTED on the following claims:

i. Plaintiff's claims for retaliation based on his alleged attempted murder of a Pelican Bay State Prison guard;

ii. Plaintiff's claims for retaliation based on his complaint to a High Desert State Prison counselor;

iii. Plaintiff's claims regarding unsanitary and inadequate food against defendants Holmes, Witcheal, Madrigal, and Wung;

iv. Plaintiff's claim that his mattress was too thin; and

v. Plaintiff's claims regarding the unsanitary conditions of his confinement against Witcheal, Madrigal, and Wung.

b. Defendants' motion is DENIED on the issue of qualified immunity.

c. Defendants' motion is DENIED on the following claims:

i. Plaintiff's retaliation claim against defendants Holmes and Loftin for tearing up plaintiff's 602 grievance form and refusing to allow plaintiff to attend his Rules Violation hearing;

ii. Plaintiff's claims against defendants Cox, Loftin, Riley, and Foulk for unsanitary and inadequate food;

iii. Plaintiff's claims against defendants Cox, Loftin, Riley, and Foulk regarding the unsanitary conditions of his confinement; and

iv. Plaintiff's medical claim against defendants Cox, Loftin, Witcheal, Wung, Madrigal, and Riley.

DATED: March 23, 2020

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE