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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN SPEARS,

Plaintiff,

v.

EL DORADO COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

No. 2:15-cv-0165 MCE AC PS

ORDER AND MEMORANDUM

Plaintiff Brian Spears ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 28 U.S.C. § 1983, which challenges conditions of Plaintiff's confinement at the El Dorado County Jail while a pretrial detainee. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On January 4, 2021, the magistrate judge filed findings and recommendations regarding Plaintiff's Second Amended Complaint (ECF No. 33), which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within thirty days after service. Findings and Recommendations, ECF No. 38. On January 10, 2021, the magistrate judge granted a

1 30-day extension of time for Plaintiff to file objections to the findings and
2 recommendations, warning Plaintiff that further extensions would require a showing of
3 exigent circumstances. ECF No. 41 (allowing Plaintiff until February 3, 2021). Plaintiff
4 filed objections to the findings and recommendations on March 15, 2021. ECF No. 43.¹

5 Having carefully reviewed the entire file, the Court finds the January 4, 2021,
6 findings and recommendations (ECF No. 38) to be supported by the record and by
7 proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

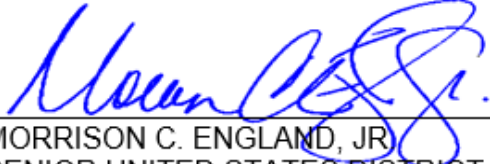
9 1. The findings and recommendations filed January 4, 2021 (ECF No. 38), are
10 ADOPTED IN FULL.

11 2. Plaintiff's Claims Three, Eight and Ten are DISMISSED without further leave to
12 amend.

13 3. This case shall proceed on Plaintiff's remaining claims.

14 IT IS SO ORDERED.

15 **Dated: June 15, 2021**

16 
17 MORRISON C. ENGLAND, JR.
18 SENIOR UNITED STATES DISTRICT JUDGE

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26 _____
27 ¹ Thus, Plaintiff's Objections are untimely. However, as part of this Court's inherent power, it
28 retains the discretion to review such objections *de novo*. See *Webb v. Califano*, 468 F. Supp. 825, 830-31
(E.D. Cal. 1979). In preference of resolving such matters on the merits, the Court elects to consider
Plaintiff's Objections in full. See 28 U.S.C.A. § 636(b)(1).