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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 GEB AC 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 May 3, 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. Defendant has filed objections to the findings and recommendations.

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

1 analysis.¹

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed May 3, 2016, are adopted in full, with the
4 exception that the court now finds that defendant complied with the safe harbor/mandatory notice
5 procedures set forth in Rule 11, Federal Rules of Civil Procedure.

6 2. Defendant's motion for terminating sanctions, ECF No. 29, is denied; and

7 3. This case is referred back to the assigned magistrate judge for all further pretrial
8 proceedings.

9 Dated: June 15, 2016

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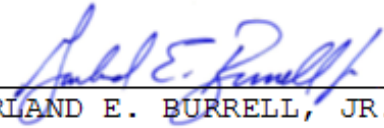
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GARIAND E. BURRELL, JR.
Senior United States District Judge

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¹ However, this court sustains defendant's objection to the magistrate judge's finding that defendant failed to comply with the safe harbor/mandatory notice procedures of Rule 11, Federal Rules of Civil Procedure. Defendant's motion to dismiss does aver, albeit in passing, that defendant complied those procedures. See ECF No. 29-1 at 15-6. Nevertheless, such compliance notwithstanding, the magistrate judge appropriately found that plaintiff's inclusion of the contested Form 7219 as an exhibit to his complaint, together with the other circumstances asserted by defendant, fail to demonstrate objective bad faith by plaintiff warranting the dismissal of this action.