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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,
Plaintiff,
v.
J.A. BEARD, et al.,
Defendants.

No. 2:15-cv-01313-TLN-KJN

ORDER

Plaintiff Paul David Johnson (“Plaintiff”), a state prisoner proceeding *pro se*, 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 August 9, 2021, 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 twenty-one days. (ECF No. 159.) Neither party filed timely objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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.

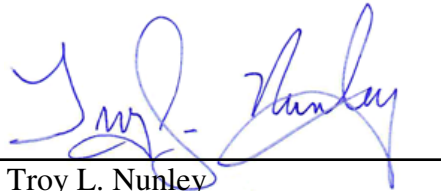
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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed August 09, 2021 (ECF No. 159), are ADOPTED IN FULL;
2. Plaintiff’s Motion for Default Judgment (ECF No. 144) is DENIED with prejudice as to Defendant K. Collinsworth (“Collinsworth”) and without prejudice as to Defendant Binoye Naku;
3. Collinsworth’s Motion to Set Aside Clerk’s Default (ECF No. 140) is GRANTED;
4. The Clerk of the Court is directed to set aside the Clerk’s Entry of Default on April 27, 2021 (ECF No. 137); and
5. Within seven days from the date of this Order, Collinsworth shall file a responsive pleading.

IT IS SO ORDERED.

Date: October 7, 2021



Troy L. Nunley
United States District Judge