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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL DAVID JOHNSON,

 Plaintiff,

 v.

J. A. BEARD, et al.,

 Defendants.

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

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 October 20, 2021, the undersigned vacated the October 13, 2021 order adopting the August 9, 2021 findings and recommendations, and granted Plaintiff thirty days to file objections. (ECF No. 169.) Thirty days have now passed, and Plaintiff has not filed objections to the August 9, 2021 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).

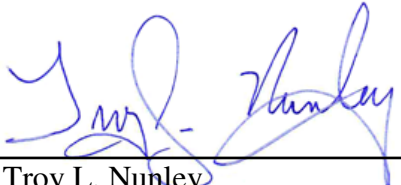
The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (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, and without prejudice as to defendant Binoye Naku;
3. Defendant 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 default, entered on April 27, 2021 (ECF No. 137); and
5. Within seven days from the date of this order, defendant Collinsworth shall file a response to the third amended complaint (ECF No. 54).

DATED: January 24, 2022



Troy L. Nunley
United States District Judge