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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CAMERON R. TERHUNE,  
  
Plaintiff,  
  
v.  
  
JOE LIZARRAGA, et al.,  
  
Defendants.

No. 2:15-cv-01738-TLN-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 7, 2018, 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. 35.) On March 19, 2017, Defendant filed a motion for a one-day extension of time to file objections to the findings and recommendations (ECF No. 38) and simultaneously filed objections (ECF No. 39). The Court will grant nunc pro tunc Defendant’s motion for an extension of time.

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.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Defendant's motion for an extension of time (ECF No. 38) is granted nunc pro tunc;

4 2. The findings and recommendations filed February 7, 2018 (ECF No. 35), are adopted  
5 in full;

6 3. Defendant's motion for summary judgment (ECF No. 32) is granted in part and denied  
7 in part as follows:

8 a. Defendant's motion on Plaintiff's Eighth Amendment deliberate indifference  
9 claim is denied;

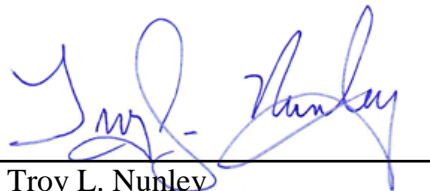
10 b. Defendant's motion on Plaintiff's First Amendment claim is granted; and

11 c. Defendant's motion for summary judgment with respect to qualified immunity  
12 is denied.

13 4. Plaintiff's request to add the unidentified Mule Creek State Prison scheduler as a  
14 Defendant in this matter is denied; and

15 5. The case shall proceed solely on Plaintiff's Eighth Amendment deliberate indifference  
16 claim.

17 Dated: March 29, 2018

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20 Troy L. Nunley  
21 United States District Judge  
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