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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH HILL,
Plaintiff,
v.
GARY SWARTHOUT, et al.,
Defendants.

No. 2:15-cv-2012 KJM 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 11, 2020, the magistrate judge filed findings and recommendations, 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. 50. Plaintiff has filed a document properly construed as objections to the findings and recommendations. ECF Nos. 51, 52.


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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. This conclusion moots plaintiff’s request for a settlement conference. ECF No. 53.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed on February 11, 2020, ECF No. 50, are adopted in full.
2. Defendants' motion for summary judgment, ECF No. 32, is granted on the following grounds:
 - a. Plaintiff's equal protection claims against defendants Alcaraz, Mejorado, Sandy, Cappel, and Swarthout; deliberate indifference claims against Sandy, Cappel, and Swarthout; and due process claim against Sandy for failing to consider his mental health status are dismissed without prejudice for failure to exhaust administrative remedies.
 - b. Plaintiff's claim that Sandy violated his due process rights because she was not impartial, denied his request to call a witness, and found him guilty without any evidence are dismissed because plaintiff received all the process to which he was entitled.
3. Judgment is entered for defendants.
4. Plaintiff's request for a settlement conference (ECF No. 53) is moot.

DATED: September 29, 2020.


CHIEF UNITED STATES DISTRICT JUDGE