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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO RONNELL WILLIAMS,
Plaintiff,
v.
HUTSON, et al.,
Defendants.

No. 2:16-cv-1495 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 19, 2020, the magistrate judge issued findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 84. Plaintiff filed objections belatedly; the court considers them regardless in the interests of equity. ECF No. 85. Defendant Miller responded to the objections. ECF No. 86. 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.

With his objections, plaintiff has provided additional pieces of evidence to support his argument he was mentally incompetent. Obj., ECF No. 85. Even when considered, the most

1 probative piece of evidence, the Suicide Risk Evaluation, Ex. C, does not support his claim of
2 incapacity at the time the claim accrued in 2011. The evaluation was completed on February 19,
3 2017 and concludes “[t]he evidence strongly suggests [plaintiff] is dissembling [suicidal ideation]
4 for secondary gain[.]” Obj. Ex. C. The other mental health documents adduced by plaintiff
5 similarly do not suggest legal incompetence at the time the claim accrued.

6 Having reviewed the file, the court finds the findings and recommendations to be
7 supported by the record and by the proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations issued March 19, 2020 (ECF No. 84) are
10 ADOPTED in full;
- 11 2. Defendant Miller’s motion for summary judgment (ECF No. 55) is GRANTED,
12 3. Defendant Hutson’s motion for summary judgment (ECF No. 58) is GRANTED,
13 4. The clerk of court is directed to CLOSE this case.

14 DATED: September 30, 2020.

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17 CHIEF UNITED STATES DISTRICT JUDGE
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