UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS MANUEL GARCES, Plaintiff, v. J. PICKETT, et al., Defendants.	No. 2:17-cv-00319-DAD-AC P ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Doc. Nos. 197, 204, 220)

Plaintiff Luis Manuel Garces is a state prisoner proceeding *pro se* in this civil rights action 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 26, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for summary judgment (Doc. No. 197) be denied and that the motion for summary judgment brought on behalf of remaining defendants Pickett and Chapman (Doc. No. 247) be granted. (Doc. No. 220.) Specifically, based upon the evidence submitted by the parties, the magistrate judge concluded that it was in fact undisputed that neither defendant acting associate warden Pickett or defendant associate warden Chapman were involved in the decision to house plaintiff with the inmate who attacked plaintiff. (*Id.* at 9–11.)

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Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 11.) On December 18, 2023, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 223.) On December 28, 2023, defendants filed a response to plaintiff's objections. (Doc. No. 224.)

Plaintiff's objections provides no basis upon which to question the thorough analysis of the evidence on summary judgment and the applicable law as set forth in the pending findings and recommendations. Instead, plaintiff's objections primarily focus on the court's prior orders denying his requests for the appointment of counsel, his claims that he did not voluntarily participate in his own deposition, his complaint that he was not provided with adequate discovery by defendants and his conclusory contention that a reasonable inference could be drawn that defendants Pickett and Chapman acted intentionally to provoke the inmate attack upon him. (Doc. No. 223 at 1–11.) These objection do not meaningfully challenge the findings and recommendations or provide any basis upon which they should be rejected.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's objection, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly:

1. The findings and recommendations issued on October 26, 2023 (Doc. No. 220) are adopted in full;
2. Plaintiff's motion for summary judgment (Doc. No. 197) is DENIED;
3. Defendants' motion for summary judgment (Doc. No. 204) is GRANTED; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **February 20, 2024**

DALE A. DROZD
UNITED STATES DISTRICT JUDGE