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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ETUATE SEKONA,
Plaintiff,
v.
JOE LIZARRAGA, et al.,
Defendants.

No. 2:17-cv-0346-KJM-EFB 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 August 19, 2019, 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 fourteen days. Neither party has filed objections to the 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 Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”).

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

3 1. The findings and recommendations filed August 19, 2019, are adopted in full;

4 2. Defendants' April 25, 2019 motion for summary judgment (ECF No. 62) is granted in
5 part and denied in part as follows:

6 a. Plaintiff's due process claim against defendant Hernandez is dismissed without
7 prejudice; and

8 b. The motion for summary judgment is otherwise denied.

9 DATED: October 8, 2019.

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UNITED STATES DISTRICT JUDGE